

*Book*  
THE  
PREROGATIVE  
*Chas. OF Hale*  
PARLIAMENTS  
in ENGLAND:

Proued in a Dialogue (*pro &*  
*contra*) betweene a Councellour  
of State and a Iustice  
of Peace.

Written by the worthy (much lacked and  
lamented) Sir *Walter Raleigh* Knight,  
deceased.

*Dedicated to the Kings Maiestie, and to the  
House of Parliament now assembled.*

Preserued to be now happily  
(in these distracted Times)  
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## To the KING.

Most gracious Soueraigne :



*Those that are sup-  
prest and helpelesse  
are commonly silent,  
wishing that the  
common ill in al sort  
might be with their  
particular misfor-  
tunes : which dispa-  
sition, as it is un-  
charitable in all  
men, so would it be  
in me more dogge-like then man-like, to bite the  
stone that strooke me : (to wit) the borrowed autho-  
ritie of my Soueraigne misinformed, seeing their  
armes and hands that slaug it, are most of them al-  
ready rotten. For I must confesse it ener, that they  
are debts, and not discontentments, that your Ma-  
iesty hath laid upon me ; the debts and obligation of  
a friendlesse aduersity, farre more payable in all  
Kinds, then those of the prosperous : All which, may  
the*

the least of them, though I cannot discharge, I may yet endeavour it.

And notwithstanding my restraint hath re-  
strenched all wayes, as well the wayes of labour and  
will, as of all other employments, yet hath it left  
with me my cogitations, then which I haue nothing  
else to offer on the Altar of my Loue.

Of those (most gracious Soueraigne) I haue vsed  
some part in the following dispute, betweene a Coun-  
sellour of Estate, and a Iustice of Peace, the one dis-  
swading, the other perswading the calling of a Par-  
liament: in all which, since the Norman Conquest  
(at the least so many as Histories haue gathered) I  
haue in some things in the following Dialogue pre-  
sented your Maiestie with the contentions and suc-  
cesses.

Some things there are, and those of the greatest,  
which because they ought first to be resolved on, I  
thought fit to range them in the front of the rest, to  
the end your Maiestie may be pleased to examine  
your owne great and Princely heart of their accep-  
tance, or refusall.

The first is, that supposition, that your Maie-  
sties Subiects giue nothing but with adiunction of  
their own interests, interlacing in one and the same  
act your Maiesties reliefe, and their owne liberties;  
not that your Maiesties pietie was ever suspected,  
but because the best Princes are ever the least ieal-  
ous, your Maiestie iudging others by your selfe,  
who haue abused your Maiesties trust. The fear'd  
continuance of the like abuse may perswade the pro-  
uision.



uision. But this caution, how euer it seemeth at first sight, your Maiesty shall perceiue by many examples following but frivolous. The bonds of Subjects to their Kings should alwayes be wrought out of Iron, the bonds of Kings vnto Subjects but with Cobwebs.

This it is (most renowned Soueraigne) that this trafficke of assurances hath bene often urged, of which, if the Conditions had bene easie, our Kings haue as easily kept them; if hard and preiudiciall, either to their honours or estates, the Creditours haue bene paid their debts with their owne pre-  
sumption.

For all binding of a King by Law vpon the aduantage of his necessitie, makes the breach it selfe lawfull in a King. His Charters and all other instruments being no other then the suruiuing witnesses of unconstrained will: *Princeps non subijcitur nisi sua voluntate libera, mero moto & certa Scientia*: Necessary words in all the grants of a King witnessing that the same grants were giuen freely and knowingly.

The second resolution will rest in your Maiesty, leauing the new impositions, all Monopolies, and other grieuances of the people to the consideration of the House; Provided, that your Maiesties reuenue be not abated, which if your Maiesty shall refuse, it is thought that the disputes will last long, and the issues will be doubtfull: And on the contrary, if your Maiesty vouchsafe it, it may perchance be stile<sup>d</sup> a yeeling, which seemeth by the sound to be<sup>e</sup> the Regality. But

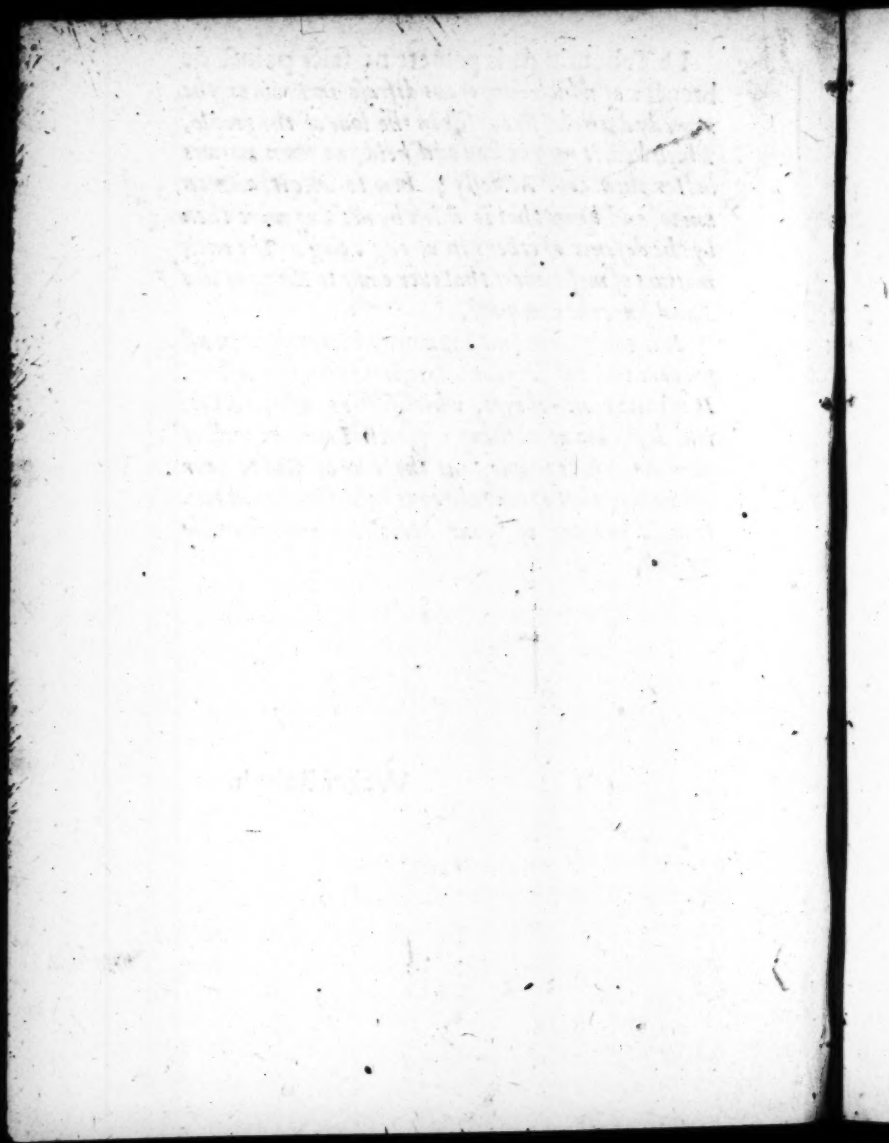
But (most excellent Prince) what other is it to the ears of the wise, but as the sound of a trumpet, having blasted forth a false Alarme, becomes but common ayre? Shall the head yeeld to the feet? certainly it ought, when they are grieved; for wisdom will rather regard the commodity, then obiect the disgrace, seeing if the feet lye in fetters, the head cannot be freed, and where the feet feele but their owne paines, the head doth not onely suffer by participation, but withall by consideration of the euill.

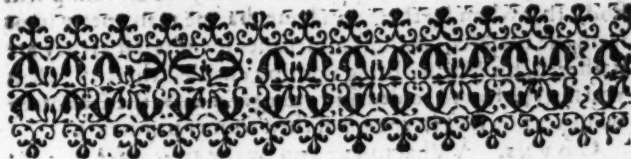
Certainly, the points of honour well weighed hath nothing in it to euen the ballance, for by your Maiesties fauour, your Maiesty doth not yeeld either to any person, or to any power, but to a dispute onely, in which the Proposition and Minor prone nothing without a conclusion, which no other person or power can make, but a Maiesty: yea, this in Henry the third his time was called a wisdom incomparable. For, the King raised againe, recouers his authority: For, being in that extremity as hee was driven with the Queene and his Children, Cum Abbatibus & Prioribus satis humilibus hospitibus quærere & prandia: For the rest, may it please your Maiesty to consider that there can nothing befall your Maiesty in matters of affaires more unfortunately then the summons of a Parliament, with ill successe: A dishonour so perswasive and aduenturous as it will not onely finde arguments; but it will take the leading of all enemies that shall offer themselves against your Maiesties estate.

Le Tabourin de la paurete ne faict point de  
breuct: of which dangerous disease in Princes, the  
remedy doth chiefly consist in the loue of the people,  
which how it may be had and held, no man knowes  
better then your Maiessty; how to loose it, all men  
know, and know that it is lost by nothing more then  
by the defence of others in wrong doing. The onely  
motiues of mischances that euer came to Kings of this  
Land since the Conquest.

It is onely loue (most renowned Soueraigne) must  
prepare the way for your Maiesties following desires.  
It is loue which obeyes, which suffers, which giues,  
which stickes at nothing: which Loue, as well of  
your Maiesties people, as the loue of God to your  
Maiessty, that it may alwayes hold shall be the con-  
tinuall prayers of your Maiesties most humble  
vassall,

Walter Ralegh.





A

# DIALOGVE BE- TWEENE A COVN- SELLOVR OF STATE, AND A IYSTICE OF PEACE.

COVNSELLOVR. **N**OW Sir, what think you of Mr. *St. Iohn* triall in *Star Chamber*? I know that the brute ran that he was hardly dealt withall, because he was imprisoned in the Tower, seeing his dissuasion from granting a Benevolence to the King was warranted by the Law.

IYSTICE. Surely Sir it was made manifest at the hearing, that Mr. *St. Iohn* was rather in loue with his owne letter, he confessed he had seene your Lordships letter before hee wrote his to the Major of *Marleborough*, and in your Lordships letter there was not a word whereto the Statutes by Mr. *St. Iohn* alledged, had reference; for those Statutes did condemne the gathering of money from the Subiect, under title of a free gift; whereas a fift, a sixt, a tenth, &c. was set downe and required. But my good Lord, though diuers Shires haue given to his Maiestie, some more, some lesse, what is this to the Kings debt?

**COUNS.** We know it well enough, but we haue many other projects.

**IUST.** It is true my good Lord: but your Lordship will find, that when by these you haue drawne many perry lums from the subjects, & those sometimes spent as fast as they are gathered, his Majesty being nothing enabled thereby, when you shall be forced to demand your *great aide*, the Countrey will excuse it selfe in regard of their former payments.

**COUNS.** VVhat meane you by the *great aide*?

**IUST.** I meane the aide of Parliament.

**COUNS.** By Parliament, I would faine know the man that durst perswade the King vnto it, for if it should succeed ill, in what case were he?

**IUST.** You say well for your selfe my Lord: and perchance you that are lovers of your selves (vnder pardon) do follow the advice of the late Duke of *Alva*, who was ever opposite to all resolutions in businesse of importanee, for if the things enterprized succeeded well, the advice never came in question: If ill, (where to great vndertakings are commonly subiect) he then made his advantage, by remembering his Countrey counsell: But my good Lord, these reserved Politicians are not the best servants, for hee that is bound to adventure his life for his Master, is also bound to adventure his advice, *Keepe not backe counsell* (saith Ecclesiasticus) *When it may doe good.*

**COUNS.** But Sir, I speake it not in other respect then I thinke it dangerous for the King to assemble the three estates, for thereby haue our former Kings alwayes lost somewhat of their prerogatives. And because that you shall not thinke that I speake it at randome, I will begin with elder times, wherein the first contention began betwixt the Kings of this land, and their subiects in Parliament.

**IUST.** Your Lordship shall doe me a singular fauour.

**COUNS.** You know that the Kings of *England* had no formal Parliament till about the 18. yeare of *Henry* the first, for in his 17. yeare, for the marriage of his daughter, the King raised a tax vpon euery hide of land by the advice of his pri-

by counsell alone. But you may remember how the Subjects se one after the establishment of this Parliament, beganne to stand vpon termes with the King, and drew from him by strong hand and the sword the *great Charter*.

Ivsr. Your Lordship sayes well, they drew from the King the *great Charter* by the sword, and heretofore the Parliament cannot be accused, but the Lords.

Covns. You say well, but it was after the establishment of the Parliament, and by colour of it, that they had so great daring, for before that time they could not endure to heare of St. Edwards lawes, but resisted the confirmation in all they could, although by those lawes the Subjects of this Island were no lesse free then any of all *Europe*.

Ivsr. My good Lord, the reason is manifest, for while the *Normans* & other of the *French* that followed the Conquerour, made spoile of the *English*, they would not endure that any thing but the will of the Conquerour should stand for Law: but after a discent or two when themselves were become *English*, & found themselves beaten with their own rods, they then began to favour the difference betweene subjection and slavery, & in list vpon the law, *Mexum & Tummi*: & to be able to say vnto themselves, *hoc fecit & vivit*: yea that the conquering *English* in *Ireland* did the like, your Lordship knowes it better then I.

Covns. I thinke you guesse aright. And to the end the subject may know that being a faithfull servant to his Prince he might enjoy his owne life, and paying to his Prince what belongs to a Sovereigne, the remainder was his own to dispose. *Henry* the first to content his Vassalls, gaue them the *great Charter*, and the *Charter of Forfeits*.

Ivsr. What reason then had *K. John* to deny the confirmation?

Covns. He did not, but he on the contrary consumed both the *Charters* with additions, and required the Pope whom he had the made his superior to strengthe him with a *goldē bull*.

Ivsr. But your honour knowes, that it was not long after, that he repented himselfe.

Covns. It is true, & he had reason so to do, for the Barons

refused to follow him into *France*, as they ought to have done, and to say true, this great Charter vpon which you insist so much, was not originally granted Regally and freely: for *Henry* the first did vsurpe the Kingdome; and therefore the better to assure himselfe against *Robert* his eldest brother, he flattered his Nobility and people with those Charters. Yea King *Iohn* that confirmed them had the like respect: for *Arthur* Duke of *Britaine*, was the vndoubted heire of the Crowne, vpon whom *Iohn* vsurped. And so to conclude, these Charters had their originall from Kings *de facto*, but not *de iure*.

IVST. But King *Iohn* confirmed the Charter after the death of his nephew *Arthur*, when he was then *Rex de iure* also.

COVNS. It is true, for he durst doe no other, standing accursed, whereby few or none obeyed him, for his Nobility refused to follow him into *Scotland*; and he had so grieved the people by pulling downe all the Parke pales before harvest, to the end his Deere might spoile the Corne; And by seizing the temporalities of so many Bishopricks into his hands, and chiefly for practising the death of the Duke of *Britaine* his Nephew, as also having lost *Normandy* to the *French*; so as the hearts of all men were turned from him.

IVST. Nay by your favour my Lord, King *Iohn* restored *K. Edwards* Lawes after his absolution, and wrote his letters in the 15. of his Reigne to all Sheriffes, countermanning all former oppressions, yea this he did notwithstanding the Lords refused to follow him into *France*.

COVNS. Pardon me, he did not restore King *Edwards* Lawes then, nor yet confirmed the Charters, but he promised vpon his absolution to doe both: but after his returne out of *France*, in his 16. yeare he denied it, because without such a promise he had not obtained restitution, his promise being constrained, and not voluntary.

IVST. But what thinke you? was he not bound in honour to performe it?

COVNS.



COVNS. Certainly no, for it was determined the case of King *Francis* the first of *France*, that all promises by him made, whilst he was in the hands of *Charles* the first his enemy, were void, by reason the Judge of honour, which tells vs he durst doe no other.

1557. But King *John* was not in prison.

COVNS. Yet for all that, restraint is imprisonment, yea, feare it selfe is imprisonment, and the King was subiect to both: I know there is nothing more kingly in a King, then the performance of his word; but yet of a word freely and voluntarily given. Neither was the Charter of *Henry* the first so published, that all men might plead it for their advantage: but a Charter was left (*in deposito*) in the hands of the Archbishop of *Canterbury* for the time, and so to his successours. *Stephen Langthorn*, who was ever a Traytor to the King, produced this Charter, and shewed it to the Barons, thereby encouraging them to make warre against the King. Neither was it the old Charter simply the Barons sought to have confirmed, but they presented vnto the King other articles and orders, tending to the alteration of the whole Commonwealth: which when the King refused to signe, the Barons presently put themselves into the field, and in rebellious and outrageous fashion sent the King word, 'except he confirmed them, they would not desist from making warre against him till he had satisfied them therein. And in conclusion, the King being betrayed of all his Nobility, in effect was forced to grant the Charter of *Magna Charta*, and *Charta de Forestis*, at such time as he was invironed with an Army in the meadowes of *Steyns*, which Charters being procured by force, Pope *Innocent* afterward disavowed, and threatened to curse the Barons, if they submitted not themselves as they ought to their Sovereigne Lord, which when the Lords refused to obey, the King entertained an army of strangers for his owne defence, wherewith having mastered & beaten the Barons, they called in *Lewis* of *France* (a most vnnaturall resolution) to be their King. Neither was *Magna Charta* a law in the 19. of *Henry* the 2. but simply a Charter which he

confirmed in the 21. of his reigne, & made it a law in the 25. according *Littletons* opinion. Thus much for the beginning of the *great Charter*, which had first an obscure birth from usurpation, and was secondly fostered & shewed to the world by rebellion.

IVST. I cannot deny but that all your Lordship hath said is true; but seeing the *Charters* were afterwards so many times confirmed by parliament & made lawes, & that there is nothing in them vnequall or prejudicial to the King: doth not your Honour thinke it reason they should be obserued?

COVN. Yes, & obserued they are in all that the state of a King can permit, for no man is destroyed but by the lawes of the land, no man disseized of his inheritance but by the lawes of the land, imprisoned they are by the prerogative where the King hath cause to suspect their loyalty: for were it otherwise, the King should neuer come to the knowledge of any conspiracy or treason against his Person or state, and being imprisoned, yet doth not any man suffer death but by the law of the land.

IVST. But may it please your Lordship, were not *Cornwallis*, *Sharpe*, & *Hoskins* imprisoned being no suspicion of treason there?

COVNS. They were, but it cost them nothing.

IVST. And what got the King by it? for in the conclusion (besides the murmure of the people) *Cornwallis*, *Sharpe*, & *Hoskins* hauing greatly ouershot themselves, and repented them, a fine of 5 or 600 was laid on his Maiesty for their offences, for so much their diet cost his Maiesty.

COVNS. I know who gaue the aduice, sure I am that it was none of mine: But thus I say, if you consult your memory, you shall finde that in those kings which did in their own times confirme the *Magna Charta*, did not onely imprison, but they caused of their Nobility and others to beeaine without hearing or tryall.

IVST. My good Lord, if you will giue me leaue to speake freely, I say, that they are not well aduised that perswade the King not to admy the *Magna Charta* with the former re-

servations. For as the King can never lose a farthing by it, I shall prove anon: So except *England* were as *Naples* is, and kept by Garrisons of another Nation, it is impossible for a King of *England* to greaten and enrich himselfe by any way so assuredly, as by the love of his people: For by one rebellion the King hath more losse then by a hundred yeares observance of *Magna Charta*: For therein haue our Kings beene forced to compound with Rogaues and Rebels, and to pardon them, yea the state of the king, the Monarchy, the Nobility haue beene endangered by them.

CORNB. Well Sir, let that passe, why should not our kings raise mony as the kings of *France* doe by their letters and Edicts only? for since the time of *Lewis* the 11, of whom it is said, that he freed the *French* kings of their Wardship, the *French* kings haue seldome assembled the States for any contribution.

IVST. I will tell you why; the strength of *England* doth consist of the People and Yeomanry, the Peasants of *France* haue no courage nor armes: In *France* every Village and Burrough hath a Castle, which the *French* call *Chastellan Villain*, every good Citie hath a good Cittadell, the king hath the Regiments of his guards and his men at armes alwayes in pay, yea the Nobility of *France* in whom the strength of *France* consists, doe alwayes assist their king in those leavies because themselves being free, they make the same leavies upon their Tenants. But my Lord, if you marke it, *France* was never free in effect from civill warres, and lately it was endangered either to be conquered by the *Spaniard*, or to be cantonized by the rebellious *French* themselves, since that freedome of Wardship. But my good Lord, to leaue this digression, that wherein I would willingly satisfie your Lordship is, that the Kings of *England* have never received losse by Parliament, or prejudice.

CORNB. No Sir, you shall find that the subjects in Parliament haue decreed great things to the disadvantage and dishonour of our kings in former times.

Ivs r. My good Lord, to avoid confusion; I will make  
 a short repetition of them all, and then your Lordship may  
 object where you see cause: And I doubt not but to give  
 your Lordship satisfaction. In the sixth yeare of *Henry* the 3.  
 there was no dispute, the house gaue the King two shillings  
 of every plough land within *England*, and in the end of the  
 same yeare he had *escuage* paid him (to wit) for every  
 Knights fee two markes in silver. In the fifth yeare of that  
 King, the Lords demanded the confirmation of the Great  
 Charter which the Kings Councell for that time present ex-  
 cused, alledging that those priuiledges, were extorred by  
 force during the Kings Minority, and yet the King was  
 pleased to send forth his writ to the Sheriues of euery Coun-  
 ty, requiring them to certifie what those liberties were, and  
 how used, and in exchange of the Lords demand, because  
 they pressed him so violently: the king required all the castles  
 & places, which the Lords held of his, & had held in the time  
 of his Father, with those Manors and Lordships which they  
 had heretofore wrested from the Crowne, which at that  
 time (the King being provided of forces) they durst not deny.  
 In the 14. yeare he had the 15. penny of all goods given him  
 vpon condition to confirme the great Charter: For by reason  
 of the wars in *France*, and the losse of *Roche*, he was then  
 enforced to cōsent to the Lords in all they demanded. In the  
 10. of his reigne hee fined the City of *London* at 50000.  
 markes; because they had received *Lewis* of *France*. In the  
 11. yeare in the Parliament at *Oxford*, he revoked the great  
 Charter being granted when he was vnder age, & governed  
 by the Earle of *Pembroke*, and the Bishop of *Winchester*. In  
 this 11. yeare the Earles of *Cornwall* and *Chester*, Marshall,  
*Edward* Earle of *Pembroke*, *Gilbert* Earle of *Gloucester*,  
*Warren*, *Hereford*, *Ferrars*, & *Warwicke*, and others rebelled a-  
 gainst the King, and constrained him to yeeld vnto them in  
 what they demaunded for their patticular interest, which  
 rebellion being appeased, he sailed into *France*, and in his 15.  
 yeare he had a 15. of the temporality, & a disme & a halfe of  
 the Spirituality, and withall *escuage* of every Knights fee.

**CORNS.** But what say you to the Parliament of *Westminster* in the sixteenth yeere of the King, where notwithstanding the warres of *France*, and his great charge in repelling the *Welsh* rebels, he was flatly denied the Subsidy demanded.

**HVS.** I confesse, my Lord, that the house excused themselves by reason of their pouertie, and the Lords taking of *Arms* in the next yeere, it was manifest that the house was practised against the King. And was it not so, my good Lord thinke you in our two last Parliaments, for in the first euen those whom his Maiestie trusted most, betrayed him in the union, and in the second there were other of the great ones ran counter. But your Lordship spake of dangers of Parliaments, in this, my Lord, there was a deniall, but there was no danger at all: But to returne where I left, what got the Lords by practizing the house at that time? I say that those that brake this staffe vpon the King, were ouer turned with the counterbuste, for hee refused all those lands which hee had giuen in his minority, hee called all his exacting officers to accompt, he found them all faulty, hee examined the corruption of other Magistrates, and from all these hee drew sufficient money to satisfie his present necessitie, whereby hee not onely spared his people, but highly contented them with an act of so great Iustice: Yea *Hubert* Bare of *Kent*, the chiefe Iustice whom hee had most trusted, and most advanced, was found as false to the King, as any one of the rest. And for conclusion in the end of that yeere, at the assembly of the States at *Lambeth*, this King had the fortieth part of euery mans goods giuen him freely towards his debts, for the people, who the same yeere had refused to giue the King anything, when they saw hee had squeased those spunges of the Common-wealth, they willingly yeilded to giue him satisfaction.

**CORNS.** But I pray you, what became of this *Hubert*, whom the King had fauoured above all men, betraying his Maiestie as hee did.

**HVS.** There was many that perswaded the King to put him to death, but he could not bee drawne to consent, but the

King seized vpon his estate which was great; yet in the end hee left him a sufficient portion, and gaue him his life because hee had done great seruice in former times: For his Maiestie, though hee tooke aduantage of his vice, yet hee forgot not to haue consideration of his vertue. And vpon this occasion it was that the King, betrayed by those whom hee most trusted, entertained strangers, and gaue them their Offices, and the charge of his Castles and strong places in England.

COVNS. But the drawing in of those Strangers was the cause that *Marshall* Earle of *Pembroke* moued warre against the King.

IVST. It is true, my good Lord, but hee was soone after slaine in *Ireland*, and his whole Masculine race, ten yeeres extinguished, though there were five Sonnes of them, and *Marshall* being dead, who was the moouer, and ring-leader of that warre, the King pardoned the rest of the Lords that had assisted *Marshall*.

COVNS. What reason had the King so to doe?

IVST. Because hee was so perswaded, that they loued his Person, and onely hated those corrupt Counsellours, that then bare the greatest sway vnder him, as also because they were the best men of warre hee had, whom if he destroyed, hauing warre with the *French*, he had wanted Commanders to haue serued him.

COVNS. But what reason had the Lords to take armes?

IVST. Because the King entertained the *Prickians*, were not they the Kings vassals also? Should the *Spaniards* rebell, because the *Spanish* King trusts to the *Neopolitans*, *Portagues*, *Millanoies*, and other Nations his vassals, seeing those that are gouerned by the Vice-royes and Deputies, are in policy to bee well entertained, and to be employed, who would otherwise deuise how to free themselues; whereas, being trusted and imployed by their Prince, they entertained themselues with the hopes that others the Kings vassals doe: if the King had called in the *Spaniards*, or other Nations, not his Subiects

Subiects, the Nobilitie of *England* had had reason of griefe. But what people did euer serue the King of *England* more faithfully then the *Gascoynes* did euen to the last of the Conquest of that Duchy.

IVST. Your Lordship sayes well, and I am of that opinion that if it had pleased the Queene of *England* to haue drawne some of the chiefe of the *Irish* Nobilitie into *England*, and by exchange to haue made them good freeholders in *England*, she had saued about two Millions of pounds which were consumed in times of those Rebellions. For what held the great *Gascoigne* firme to the Crowne of *England* (of whom the Duke of *Espernon* married the Inheritor) but his Earldome of *Kendall* in *England*, whereof the Duke of *Espernon* (in right of his wife) beares the title to this day. And to the same end I take it, hath *James* our Soueraigne Lord giuen lands to diuers of the Nobilitie of *Scotland*. And if I were worthy to aduise your Lordship, I should thinke that your Lordship should doe the King great seruice to put him in minde to prohibite all the *Scottish* Nation to alienate and sell away their inheritance here; for they selling, they not onely giue cause to the *English* to complaine that the treasure of *England* is transported into *Scotland*, but his Maiestie is thereby also frustrated of making both Nations one, and of assuring the seruice and obedience of the *Scots* in future.

COVNS. You say well, for though those of *Scotland* that are aduanced, and enriched by the Kings Maiesties will, no doubt serue him faithfully, yet how their Heires and successors, hauing no inheritance to loose in *England* may be seduced is vncertaine. But let vs goe on with our Parliament. And what say you to the deniall in the sixe and twentieth yeere of his reigne, euen when the King was inuited to come into *France* by the Earle of *March* who had married his Mother, and who promised to assise the King in the Conquest of many places lost.

IVS. It is true, my good Lord, that a subsidy was then denied, and the reasons are deliuered in *English* histories, & indeed the King not long before had spent much treasure in ayding



the Duke of Britaine to no purpose, for hee drew over the King but to draw on good conditions for himselfe, as the Earle of *March* his father in law now did: As the English Barons did invite *Lewis* of *France* not long before, as in elder times, all the Kings and States had done, and in late yeeres the Leaguers of *France* entertained the *Spaniards*, and the *French* Protestants, and *Netherlands*, *Queene Elizabeth*, not with any purpose to greaten those that aide them, but to purchase to themselves an advantageous Peace. But what say the Histories to this deniall? they say with a world of payments there mentioned, that the King had drawne the Nobilitie drie. And besides, that whereas not long before great summes of money were giuen, and the same appointed to be kept in foure Castles, and not to be expended but by the aduice of the Peeres; it was beleued that the same treasure was yet vnspent.

COYNS. Good Sir, you haue said enough, iudge you whether it were not a dishonour to the King to bee so tyed, as not to expend his Treasure, but by other mens aduice as it were by their licence.

IYET. Surely my Lord, the King was well aduised to take the money vpon any condition, and they were fooles that propounded the restraint, for it doeth not appeare that the King tooke any great heed to those overseers. *Kings are bound by their Pietie, and by no other obligation.* In *Queene Maries* time, when it was thought that she was with child, it was propounded in Parliament, that the rule of the Realme should be giuen to King *Philip* during the minority of the hoped Prince or Princessse, & the King offered his assurance in great summes of money to relinquish the gouernment at such time as the Prince or Princessse should be of age: At which motion when all else were silent in the house, Lord *Dacres* (who was none of the wisest) asked who shall sue the Kings bondes, which ended the dispute, for what bond is betweene a King and his vassals, then the bond of the Kings Faith.) But my good Lord, the King notwithstanding the deniall at that time was with gifts from particular persons, and otherwise supplyed



ed for proceeding of his journey for that time into France, he tooke with him thirtie Caskes filled with silver and coyne, which was a great Treasure in those dayes. And lastly, notwithstanding the first denyall in the Kings absent he had Escuage granted him (to wit) 20 s. of euery Knights Fee.

COVNS. What say you then to the 28. yeere of that King, in which when the King demanded reliefe, the States would not consent except the same former order had beene taken for the appointing of foure Ouerseers for the treasure. As also that the Lord chiefe Iustice and the Lord Chancellor should be chosen by the States with some Barons of the Exchequer and other officers.

I v s. My good Lord, admit the King had yielded their demands, then whatsoeuer had beene ordained by those Magistrates to the dislike of the Common-wealth, the people had beene without remedy, whereas while the King made them, they had their Appeale and other remedies. But those demands vanished, and in the end, the King had Escuage giuen him, without any of their conditions. It is an excellent vertue in a King to haue patience, and to giue way to the furie of mens passions. The Whale when he is stroken by the Fisherman, growes into that furie, that he cannot be resisted, but will ouerthrow all the Ships and Barkes that come into his way, but when he hath tumbled a while, he is drawne to the shore with a twine thred.

COVNS. What say you then to the Parliament in the nine and twentieth yeere of that King.

I v s t. I say that the Commons being vnable to pay, the King relieues himselfe vpon the Richer fort, and so it likewise happened in the 33. of the King, in which hee was relieved chiefly by the Citie of London. But my good Lord, in the Parliament in London, in the 38. yeere, hee had giuen him the tenth of all the Reuenues of the Church for three yeeres, and three markes of euery knights fee throughout the kingdome, vpon his promise & oath vpon the obseruing of *magna Charta* but in the end of the same yeere, the king being then in France, he was denyed the aides which hee required. What is this to

the danger of a Parliament? especially at this time they had reason to refuse, they had given so great a summe in the beginning of the same year. And again because it was known that the King had but pretended warre with the king of Castile with whom he had secretly contracted an alliance and concluded a marriage betweene his Sonne *Edward* and the Lady *Eleanor*. These false fires doe but fright Children and it commonly fallies out that when the cause given is knowne to be false, the necessity pretended is thought to bee fained, Royall dealing hath euermore Royall successe: and as the King was denied in the eight and thirtieth yeare; so was hee denied in the nine and thirtieth yeare, because the Nobility and the people saw it plainly that the King was abused by the Pope, who aswell in despite to *Manfred* bastard son to the Emperour *Fredericke* the second, as to cozen the King and to wast him, would needs bestow on the King the kingdome of Sicilie, to reconuer which, the King sent all the Treasure he could borrow or scrape to the Pope, and withall gaue him letters of credence, for to take vp what he could in Italy, the King binding him selfe for the payment. Now my good Lord the wisdom of Princes is seen in nothing more then in their enterprises. So how vnpleasing it was to the State of England to consume the treasure of the Land, and in the conquest of Sicily, so farre of, and otherwise for that the English had lost Normandy vnder their noses and so many goodly parts, of France of their owne proper inheritances: the reason of the deniall is as well to be considered as the deniall.

CONS. Was not the King also denyed a Subsidy in the fourty first of his raigne.

IV. XI. Nomy Lord, for although the King required mony as before for the impossible conquest of Sicily, yet the House offered to giue 52000 markes, which whither hee refused or accepted is vncertaine, & whilst the King dreamed of Sicily, the Welsh inuaded and spoyled the borders of England, for in the Parliament of London, when the King vrged the house for the prosecuting the conquest of Sicily, the Lords utterly disliking the attempt, vrged the prosecuting of the  
Welshmen

Welshmen : which Parliament being proroged did again assemble at Oxford, & was called the madde Parliament, which was no other then an assembly of rebels, for the Royall assent of the K. which gines life to all lawes, form'd by the three estates, was not a Royal assent, when both the K. & the Prince were constrained to yeeld to the Lords, A constrained consent is the consent of a Captiue and not of a K. and therefore there was nothing done there either legally or royally. For if it be not properly a Parliament where the subiect is not free, certainly it can be none where the King is bound, for all Kingly rule was taken from the King, and twelue Peeres appointed, and as some writers haue it 24 Peeres, to gouerne the Realme, and therefore the assembly made by *Jack Strawe* and other rebels may aswel be called a Parliament as that of Oxford. *Principis nomen habere, non est esse Princeps*; for thereby was the King driuen not only to compouud all quarrels with the French, but to haue meanes to be revenged on the rebell Lords, but he quitted his right to Normady Aniou & Mayne.

COVNS. But sir, what needed this extremity, seeing the Lords required but the confirmation of the former Charter, which was not preiudiciall to the King to graunt?

IVST. Yes my good Lord, but they insulted vpon the King, and would not suffer him to enter into his own Castles, they put downe the Purueyor of the meate for the mainenance of his house, as if the King had beene a bankrupt, and gaue order that without ready money he should not take vp a Checken. And though there is nothing against the Royalty of a King in these Charters (the Kings of England beeing Kings of freemen and not of slaues) yet it is so contrary to the nature of a King to be forced euen to those things which may bee to his aduantage, as the King had some reason to seeke the dispensation of his Oath from the Pope; and to drawe in strangers for his owne defence: yea *Iuri saluo Corona nostra* is intended inclusively in all oathes and promises exacted from a Soueraigne.

COVN. But you cannot be ignorant how dangerous a thing it is to call in other nations but for the spoile they make, as al-

fo, because they haue often held the possession of the best places with which they haue bene trusted.

IVSR. It is true my good Lord, that there is nothing so dangerous for a King as to be constrained and held as prisoner to his vassals, for by that, *Edward the second* and *Richard the second* lost their Kingdomes and their liues. And for calling in of strangers, was not King *Edward the sixth* driven to call in strangers against the rebels in Norfolk, Cornwall, Oxfordshire and elsewhere? Haue not the Kings of Scotland bene oftentimes constrained to entertaine strangers against the Kings of England, And the King of England at this time had he not bin diuerse times assisted by the Kings of Scotland, had bin endangered to haue bin expelled for euer.

COVNS. But yet you know those Kings were deposed by Parliament.

IVSR. Yea my good Lord being prisoners, being out of possession, and being in their hands that were Princes of the blood and pretenders. It is an old Countrey prouerbe: (that might *ouercome right*: ) a weake title that weares a strong sword, commonly preuailes against a strong title that weares but a weake one, otherwise *Philip the second* had neuer bene Duke of Portugall, nor Duke of Millaine, nor King of Naples and Scicilie. But good Lord *Errores non sunt trabendi in exemplum*: I speake of regall, peaceable, and lawfull Parliaments. The King at this time was but a King in name, for Gloucester, Leycester and Chichester made choise of other nine, to whom the rule of the Realme was committed; and the Prince was forced to purchase his libertie from the Earle of Leycester, by giuing for his ransome the County Pallatine of Chester. But my Lord let vs iudge of those occasions by their euents, what became of this proud Earle? was hee not soone after slaine in Buesham? was he not left naked in the field, and left a shamefull spectacle, his head being cut off from his shoulders, his priuy parts from his body, and laid on each side of his nose? And did not God extinguish his face, after which in a lawfull Parliament at Westminster (confirmed in a following Parliament of Westminster, were not all the Lords that followed

followed Leycester disinherited? And when that foole Gloucester, after the death of Leycester (whom hee had formerly forsaken) made himselfe the head of a second Rebellion, and called in strangers, for which not long before he had cried out against the K. was not he in the end, after that he had seene the slaughter of so many of the Barons, the spoile of their Castles, and Lordships constrained to submit himselfe, as all the survivors did, of which they that sped best, paid their fines and ransomes, the King reserving to his younger sonne, the Earldomes of Leycester and Derby.

COVNS. Well sir, we haue disputed this King to his graue, though it be true, that he outliued all his enemies, and brought them to confusion, yet those examples did not terrifie their successors, but the Earle *Marshall*, and *Hereford*, threatned King *Edward* the first, with a new warre.

IVST. They did so, but after the death of *Hereford*, the Earle *Marshall* repented himselfe, and to gaine the Kings fauour, he made him heire of all his Lands. But what is this to the Parliament? for there was neuer King of this land had more giuen him for the time of his Raigne, then *Edward* the sonne of *Henry* the third had.

COVNS. How doeth it appeare?

IVST. In this sort my good Lord, in this Kings third yeere hee had giuen him the fifteenth part of all goods. In his sixt yeere a twentieth: in his twelfth yeere a twentieth: in his foureteenth yeere he had Escuage (to wit) fourtie shillings of euery Knights Fee: in his eighteenth yeere hee had the eleuenth part of all moueable goods within the kingdome, in his nineteenth yeere the tenth part of all Church liuings in *England*, *Scotland*, and *Ireland*, for sixe yeeres, by agreement from the *Pope*, in his three and twentieth yeere he raised a taxe vpon wooll and fells, & on a day caused al the religious houses to be searched, & al the treasure in the to be seized & brought to his coffers, excusing himselfe, by laying the fault vpon his treasurer, he had also in the end of the same yeere, of al goods, of all Burgeses, and of the Commons the 10. part: in the 25. yeere of the Parliament of *S. Edmunds bury*, he had an 18. part of the goods of the Burgeses, and of the people in generall,

the tenth part. Hee had also the same yeere by putting the Clergy out of his protection a fift part of their goods, and in the same yeere he set a great taxe vpon woolls, to wit, from halfe a marke to 40. shillings vpon every sacke, whereupon the Earle *Marshall*, and the Earle of *Hereford* refusing to attend the King into *Flanders*, pretended the greivances of the people. But in the end, the King hauing pardoned them, and confirmed the great Charter, hee had the ninth penny of all goods, from the Lords and Commons of the Clergy, in the South he had the tenth penny, and in the North the fift penny. In the two and thirtieth yeere, he had a Subsidy freely granted: in the three and thirtieth yeere, hee confirmed the great Charter of his owne Royall disposition, and the States to shew their thankfulnessse, gaue the King for one yeere, the fift part of all the reuenues of the land, & of the Citizens the sixt part of their goods. And the same yeere the King vsed the Inquisition, called *Traile Baston*. By which all Iustices and other Magistrates were grieuously fined, that had vsed extortion, or bribery, or had otherwise misdeameaned themselves to the great contentation of the people. This Commission likewise did enquire of Intruders, Barrators and all other the like Vermine, whereby the King gathered a great masse of Treasure with a great deale of loue. Now for the whole raigne of this King, who gouerned *England* 35. yeeres, there was not any Parliament to his preiudice.

COVNS. But there was taking of armes by *Marshall* and *Hereford*.

IV ST. That's true, but why was that? because the king, notwithstanding all that was giuen him by Parliament, did lay the greatest taxes that euer King did without their consent. But what lost the King by those Lords? one of them gaue the King all his lands, the other died in disgrace.

COVNS. But what say you to the Parliament in *Edward* the seconds time, his successor: did not the house of Parliament banish *Peirce Ganefton* whom the King favoured?

IV ST. But what was this *Ganefton*, but an Esquire of *Gascogne*, formerly banish: the Realme by King *Edward* the first, for

for corrupting the Prince *Edward*, now raigning. And the whole Kingdome fearing, and detesting his venomous disposition, they besought his Maiestie to cast him off, which the King performed by an act of his owne, and not by act of Parliament, yea, *Gaucestons* owne father in law, the Earle of *Glocester*, was one of the chiefeft of the Lords that procured it. And yet finding the Kings affection to follow him so strongly, they all consented to haue him recalled. After which, when his credit so increased, that hee despised and set at naught all the auncient Nobilitie, and not onely perswaded the King to all manner of outrages and riots, but withall transported what belisted of the Kings Treasure, and Iewels, the Lords vrged his banishment the second time, but neither was the first, nor second banishment forced by act of Parliament, but by the forceable Lords his enemies. Lastly, hee being recalled by the King, the Earle of *Lancaster* caused his head to be stricken off, when those of his party had taken him prisoner. By which presumptuous act, the Earle and the rest of his company committed Treason, and Murder, Treason, by raising an Army without warrant, Murder by taking away the life of the Kings Subiect. After which *Gauceston* being dead, the *Spencers* got possession of the Kings fauour, though the younger of them was placed about the King by the Lords themselves.

COVN. What say you then to the Parliament held at London about the sixt yeere of that King?

IVST. I say, that King was not bound to performe the acts of this Parliament, because the Lords being too strong for the King, inforced his consent, for these be the words of our owne History. *They wrested too much beyond the bounds of reason.*

COVNS. What say you to the Parliaments of the white wands in the three and thirtieth yeere of the King.

IVST. I say the Lords that were so moued, came with an Army, and by strong hand surprised the King, they constrained, (saith the story) the rest of the Lords, and compelled many of the Bishops to consent vnto them, yea, it saith further, that the King durst not but grane to all that they required



red, (to wit) for the banishment of the *Spencers*. Yea they were so insolent, that they refused to lodge the Queene coming through *Kent* in the Castle of *Londes*, and sent her to provide her lodging where she could get it so late in the night, for which notwithstanding, some that kept her out, were soone after taken and hang'd, and therefore your Lordship cannot call this a Parliament for the reasons before alleaged. But my Lord, what became of these Lawgiuers to the King, euen when they were greatest, a Knight of the North called *Andrew Herkley*, assembled the forces of the Countrey, overthrew them and their Army, slew the Earle of *Hereford* and other Barons, rooke their Generall *Thomas* Earle of *Lancaster*, the Kings cozen-germane, at that time possessed of five Earledomes, the Lords *Clifford*, *Talbott*, *Mowbray*, *Mandrew*, *Wilington*, *Warren*, Lord *Darcy*, *Wishers*, *Knutill*, *Leybourne*, *Bekes*, *Louch*, *Fitzwilliams*, *Wateruill*, and diuerse other Barons, Knights, and Esquires, and soone after the Lord *Percy* and the Lord *Warren* tooke the Lord *Baldersmore*, and the Lord *Audle*, the Lord *Teis*, *Gifford*, *Tuchet*, and many others that fled from the battaile, the most of which past vnder the hands of the Hangman, for constraining the King vnder the colour and name of a Parliament. But this your good Lordship may iudge, to whom, those tumultuous assemblies (which our Histories falsely call Parliaments haue beene dangerous, the Kings in the end euer preuailed, and the Lords lost their liues, and estates. After which the *Spencers* in their banishment at *Torke*, in the fifteenth yeere of the King, were restored to their honours and estates, and therein the King had a Subsidy giuen him, the sixt penny of goods throughout *England*, *Ireland*, and *Wales*.

COVN. Yet you see the *Spencers* were soone after dissolued.

IVST. It is true my Lord, but that is nothing to our subiect of Parliament; they may thanke their owne insolencie, for they branded, and despised the Queene, whom they ought to haue honored as the Kings wife; they were also exceeding greedy, & built themselves vpon other mens ruines, they were ambitious and exceeding malicious, wherupon that came,

that



that when Chamberlaine *Spencer* was hang'd in *Hereford*, a part of the foure and twentieth *Psalm* was written ouer his head: *Quid gloriaris in malitia potens?*

COVNS. Well sir, you haue all this while excused your selfe vpon the strength and rebellions of the Lords, but what say you now to King *Edward* the third, in whose time (and during the time of this victorious King, no man durst take Armes or rebell) the three estates did him the greatest affront that euer King receiued or endured, therefore I conclude where I began, that these Parliaments are dangerous for a King.

IVST. To answere your Lordship in order, may it please you first to call to minde, what was giuen this great King by his Subiects before the dispute betwixt him and the house happened, which was in his latter dayes, from his first yeere to his fift yeere, there was nothing giuen the King by his subiects: In the eight yeere at the Parliament at *London* a tenth and a fiftenth was granted: in this tenth yeere hee ceased vpon the *Italians* goods here in *England* to his owne vse, with all the goods of the *Monkes Cluniackes* and others, of the order of the *Cisterians*. In the eleventh yeere, hee had giuen him by Parliament a notable reliefe, the one halfe of the woolls throughout *England*, and of the Cleargy all their woolls, after which, in the end of the yeere, hee had granted in this Parliament at *Westminster*, fourtie shillings vpon euery sacke of wooll, and for euery thirty wooll-fels forty shillings, for euery last of Leatherne, as much, and for all other Merchandizes after the same rate. The King promising that this yeeres gathering ended, he would thence forth content himselfe with the old custome, hee had ouer and aboue this great aide, the eight part of all goods of all Citizens and Burgessees, and of others as of forreigne Marchants, and such as liued not of the gaine of breeding of sheepe and cattell the fiftenth of their goods: Nay my Lord, this was not all: though more then euer was granted to any King, for the same Parliament bestowed on the King the ninth sheafe of all the Corne within the Land, the ninth Fleece, and the ninth Lambe for two

yeeres next following : now what thinkes your Lordship of this Parliament.

COVNS. I say they were honest men.

IVST. And I say, the people are as louing to their King now, as euer they were, if they bee honestly, and wisely dealt withall, and so his Maiestie hath found them in his last two Parliaments, if his Maiestie had not beene betrayed by those whom he most trusted.

COVNS. But I pray you sir, who shall a King trust, if hee may not trust those whom he hath so greatly aduanced?

IVST. I will tell your Lordship whom the King may trust.

COVNS. Who are they?

IVST. His owne reason, and his owne excellent iudgement, which haue not deceiued him in any thing, wherein his Maiestie hath beene pleased to exercise them, *Take counsell of thine heart* (saith the booke of Wisedome) *for there is none more faithfull vnto thee then it.*

COVNS. It is true, but his Maiestie found that those wanted no iudgement whom he trusted, and how could his Maiestie diuine of their honesties?

IVST. Will you pardon mee if I speake freely, for if I speake out of loue, which (as Solomon saith) *conuereth all trespasses.* The truth is, that his Maiestie would neuer belceue any man that spake against them, and they knew it well enough, which gaue them boldnesse to doe what they did.

COVNS. What was that?

IVST. Euen, my good Lord, to ruine the Kings estate so farre as the State of so great a King may be ruin'd by men ambitious and greedy without proportion. It had beene a braue increase of reuennue, my Lord, to haue raised 50000. l. land of the Kings to 20000. l. reuennue, and to raise the reuennue of Wards to 20000. l. more, 40000. l. added to the rest of his Maiesties estate, had so enabled his Maiestie, as he could neuer haue wanted. And my good Lord, it had beene an honest seruice to the King, to haue added 7000. l. lands of the Lord Cobhams, woods, and goods, being worth 30000. l. more;

COVNS.

COVNS. I know not the reason why it was not done.

IVST. Neither doeth your Lordship, perchance know the reason why the 10000*l.* offered by *Swinerton* for a fine of the *French wines*, was by the then Lord Treasurer conferred on *Devonshire* and his *Admiral*.

COVNS. What moued the Treasurer to reiect and crosse that raising of the Kings lands?

IVST. The reason, my good Lord, is manifest, for had the land beene raised, then had the King knowne when hee had giuen or exchanged land, what he had giuen or exchanged.

COVNS. What hurt had that beene to the Treasurer whose Office is truly to informe the King of the value of all that he giueth?

IVST. So hee did when it did not concerne himselfe nor his particular, for hee could neuer admit any one peece of a good Manour to passe in my Lord *Aubignes* booke of 1000*l.* land, till hee himselfe had bought, and then all the remaining flowers of the Crowne were culled out. Now had the Treasurer suffered the Kings lands to haue beene raised, how could his Lordship haue made choice of the old rents, as well in that booke of my Lord *Aubignes*, as in exchange of *Thresholds*, for which he tooke *Hatfield* in it, which the greatest Subiect, or Favourite Queene *Elizabeth* had, neuer durst haue named vnto her by way of gift or exchange. Nay my Lord, so many other goodly Manours haue passed from his Maiestie, as the very heart of the Kingdome mourneth to remember it, and the eyes of the Kingdome shed teares continually at the beholding it: yea the soule of the Kingdome is heauy vnto death with the consideration therof, that so Magnanimous a Prince, should suffer himselfe to be so abused.

COVNS. But sir, you know that *Cobhams* lands were enrailed vpon his Consens.

IVST. Yea, my Lord, but during the lines and races of *George Brooke* his children, it had beene the Kings, that is to say, for euer in effect, but to wrest the King, and to draw the inheritance vpon himselfe, hee perswaded his Maiestie to re-

linquish

linquished his interest for a pettie summe of money; and that there might be no counterworking, he sent *Brooke* 6000. l. to make friends, whereof himselfe had 2000. l. backe againe, *Buckhurst*, and *Barwicke* had the other 4000. l. and the Treasurer and his heires the masse of land for euer.

COVNS. What then I pray you, came to the King by this great confiscation.

IVST. My Lord, the Kings Maiestie by all those goodly possessions, woods, & goods, loofeth 500 l. by the yere which he giueth in pension to *Cobham*, to maintaine him in prison.

COVNS. Certainly, euen in conscience they should haue referred so much of the land in the Crowne, as to haue giuen *Cobham* meate and apparell, and not made themselves so great gainers, and the King 500. l. (*per annum*) looser by the bargain, but it's past: *Consilium non est eorum qua fieri nequeunt.*

IVST. Take the rest of the sentence, my Lord: *Sed consilium versatur in ijs qua sunt in nostra potestate.* It is yet, my good Lord, in potestate Regis, to right himselfe. But this is not all my Lord: And I feare mee, knowing your Lordships loue to the King, it would put you into a feauer to heare all: I will therefore goe on with my Parliaments.

COVNS. I pray doe so, and amongst the rest, I pray you what say you to the Parliament holden at *London*, in the fifteenth yere of King *Edward* the third?

IVST. I say there was nothing concluded therein to the preiudice of the King. It is true, that a little before the sitting of the house, the King displaced his Chancellour, and his Treasurers, and most of all his Iudges, and Officers of the Exchequer, and committed many of them to prison, because they did not supply him with Money, being beyond the seas, for the rest, the States assembled, besought the King that the Lawes of the two Charters might bee obserued, and that the great Officers of the Crowne might bee chosen by Parliament.

COVNS. But what success had these Petitions.

IVST. The Charters were obserued, as before, and so they will

will be ever, & the other petition was reiected, the King being pleas'd notwithstanding, that the great Officers should take an oath in Parliament to doe Iustice. Now for the Parliament of *Westminster*, in the 17<sup>th</sup>. yeare of the King, the King had three markes and a halfe for euery sacke of wooll transported; and in his 18. he had a 10<sup>th</sup>. of the Clergy, and a 15<sup>th</sup>. of the Laity for one yeare. His Maiesty forbore after this to charge his subiects with any more payments, vntill the 29. of his reigne, when there was giuen the King by Parliament 50. for euery sacke of wooll transported for sixe yeares, by which grant, the King receiued a thousand marks a day, a greater matter then a thousand pounds in these dayes, & a 1000<sup>l</sup>. a day amounts to 365000<sup>l</sup>. a yeare, which was one of the greatest presents that euer was giuen to a King of this land. For besides the cheapnes of all things in that age, the Kings souldiers had but 3<sup>d</sup>. a day wages, a man at armes 6<sup>d</sup>. a Knight but 2<sup>d</sup>. In the Parliament at *Westminster*, in the 33. yeare he had 26<sup>l</sup>. 8<sup>d</sup>. for euery sacke of wooll transported, & in the 42. yeare 3. dimes & 3. fiftens. In his 45. yeare he had 50000<sup>l</sup>. of the Laity, and because the Spirituallty disputed it, and did not pay so much, the King chang'd his Chancellour, Treasurer, and Priuy Seale, being Bishops, and placed Lay men in their roome.

COVNS. It seemes that in those dayes the Kings were no longer in loue with their great Chancellors, then when they deserued well of them.

IYST. No my Lord, they were not, and that was the reason they were well serued, & it was the custome then, & in many ages after, to change the Treasurer and the Chancellor euery 3. yeares, & withall to heare all mens complaints against the.

COVNS. But by this often change, the saying is verifi- ed, that there is no inheritance in the fauour of Kings. *Hee that keepeth the figge tree (saith Salomon) shall eate the fruite thereof; for reason it is that the seruant liue by the Master.*

IYST. My Lord, you say well in both, but had the subiect an inheritance in the Princes fauor, where the Prince hath no inheritance in the subiects fidelity, they were kings in more

unhappy estate then common persons. For the rest; *Salomon* meaneth not, that he that *keepeth the figge tree* should surfer, though he meant he should eate, hee meant not he should breake the branches in gathering the figs, or eate the ripe, & leaue the rotten for the owner of the tree; for what saith hee in the following chapter, he saith that *he that maketh haste to be rich, cannot be innocent*. And before that, he saith, that *the end of an inheritance hastily gotten, cannot be blessed*. Your Lordship hath heard of few or none great with Kings, that haue not vsed their power to oppresse, that haue not growne insolent & hatefull to the people; yea, insolent towards those Princes that advanced them.

COVNS. Yet you see that Princes can change their fancies.

IYST. Yea my Lord, when favorites change their faith, when they forget that how familiar soeuer Kings make themselves with their Vassals, yet they are kings: *He that provoketh a King to anger (saith Salomon) sinneth against his owne soule*. And he further saith, that *pride goeth before destruction, and a high minde before a fall*. I say therefore, that in discharging those Lucifers, how deare soeuer they haue beene, kings make the world know that they haue more of Iudgement then of passion, yea they thereby offer a satisfactory sacrifice to all their people, too great benefits of subjects to their King, where the minde is blowne vp with their owne desertings, and too great benefits of Kings confer'd vpon their subiects, where the minde is not qualified with a great deale of modesty, are equally dangerous. Of this later and insolenter, had King *Richard* the second deliuered vp to Iustice but three or foure, he had still held the loue of the people, and thereby his life and estate.

COVNS. Well, I pray you goe on with your Parliaments.

IYST. The life of this great King *Edward* drawes to an end, so doe the Parliaments of this time, where in 50 yeares raigne, he neuer receiued any affront, for in his 49<sup>th</sup> yeare he had a disme and a fiftene granted him freely.

COVNS.

Covns. But Sir it is and old saying, that all is well that ends well, Iudge you whether that in his 30<sup>th</sup> years in Parliament at *Westminster* he receiued not an affront, when the house vrged the King to remoue & discharge fro his presence the Duke of *Lancaster*, the Lord *Latimer* his Chamberlaine, Sir *Richard Sturmy*, and others whom the King fauoured and trusted. Nay, they pressed the King to thrust a certaine Lady out of the Court, which at that time bare the greatest sway therein.

Ivst. I will with patience answere your Lordship to the full, and first your Lordship may remember by that which I euen now said, that nener King had so many gifts as this King had from his subiects, and it hath neuer grieved the subiects of *England* to giue to their King, but when they knew there was a devouring Lady, that had her share in all things that passed, and the Duke of *Lancaster* was as scraping as shee, that the Chancellour did eat vp the people as fast as either of them both. It grieved the subiects to feede these Cormorants. But my Lord there are two things by which the Kings of *England* haue been prest, (to wit) by their subiects, and by their owne necessities. The Lords in former times were farre stronger, more warlike, better followed, liuing in their countries, then now they are. Your Lordship may remember in your reading, that there were many Earles could bring into the field a thousand Barbed horses, many a Baron 5 or 600 Barbed horses, whereas now very few of them can furnish twenty fit to serue the King. But to say the truth my Lord, the Iustices of peace in *England*, haue oppos'd the iniusticers of warre in *England*, the kings writ runs ouer all, and the great Seale of *England*, with that of the next Constables will serue the turne to affront the greatest Lords in *England* that shall moue against the King. The force therefore by which our Kings in former times were troubled is vanisht away. But the necessities remaine. The people therefore in these later ages, are no lesse to be pleased then the Peeres; for as the later are become lesse, so by reason of the trayning through *England*, the Commons



haue all the weapons in their hands.

**Covns.** And was it not so euer?

**Ivst.** No my good Lord, for the Noblemen had in their Armories to furnish some of them a thousand, some two thousand, some three thousand men, whereas now there are not many that can arme fifty.

**Covns.** Can you blame them? But I will only answer for my selfe, betweene you and me be it spoken, I hold it not safe to maintaine so great an Armorie or Stable, it might cause metor any other Noble man to be suspected, as the preparing of some Innouation.

**Covns.** Why so my Lord, rather to bee commended as preparing against all danger of Innouation.

**Covns.** It should be so, but call your obseruation to accompt, and you shall find it as I say, for (indeed) such a jealousy hath been held euer since the time of the Ciuill wars, ouer the Military greatnes of our Nobles, as made them haue litle will to bend their studies that waies: wherefore let euery man provide according as hee is rated in the Muster booke, you vnderstand me.

**Ivst.** Very well my Lord, as what might be replied in the perceiuing so much; I haue euer (to deale plainly and freely with your Lordship) more feard at home popular violence, then all the forreine that can be made, for it can neuer bee in the power of any forreine Prince, without a Papistcally party, either to disorder or endanger his Majesties Estate.

**Covns.** By this it seemes, it is no lesse dangerous for a king to leaue the power in the people, then in the Nobility.

**Ivst.** My good Lord, the wisdom of our owne age, is the foolishnes of another, the time present ought not to be prefer'd to the Policy that was, but the Policy that was, to the time present. So that the power of the Nobility being now withered, and the power of the people in the flower, the care to content them would not be neglected, the way to win them often practised, or at least to defend them from oppression. The motive of all dangers that euer this Monarchy



chay hath vndergone; should bee carefully heeded, for this Maxime hath no polterne, *Potestas humana radicatur in voluntatibus hominum.* And now my Lord, for King Edward it is true, though he were not subject to force, yet was hee subiect to necessity, which because it was violent, hee gaue way vnto it, *Potestas* (saith *Pythagoras*) *juxta necessitatem habitas.* And it is true, that at the request of the house he discharged and put from him those before named, which done, he had the greatest gift (but one) that euer he receiued in all his daies (to wit) from euery person, man and woman, aboue the age of fourteene yeares 4. of old mony, which made many Millions of Groats, worth 6<sup>d</sup>. of our mony. This he had in generall, besides he had of euery benificed Priest, 1 2<sup>d</sup>. And of the Nobility and Gentry, I know not how much, for it is not set downe. Now my good Lord, what lost the King by satisfying the desires of the Parliament house; for alsoone as hee had the money in purse, hee recalled the Lords, and restored them, and who durst call the King to accompt, when the Assembly were dissolued. *Where the word of a King is, there is power* (saith *Ecclesiasticus*) *who shall say vnto him, What dost thou?* saith the same Author, for euery purpose there is a time & judgement, the King gaue way to the time, & his judgement perswaded him to yeeld to necessity, *Consularius nemo melior est quam tempus.*

COVNS. But yet you see the King was forc'd to yeeld to their demands.

IVST. Doth you Lordship remember the saying of *Monsieur de Lange*, that he that hath the profit of the warre, hath also the honour of the warre, whether it be by battaile or re-treate, the King you see had the profit of the Parliament, and therefore the honour also, what other end had the king then to supply his wants. A wise man hath euermore respect vnto his ends: and the king also knew that it was the loue that the people bare him, that they vrged the remouing of those Lords, there was no man among them that sought himselfe in that desire, but they all sought the King, as by the success it appeared. My good Lord, hath it not been ordinary

in *England* and in *France* to yeeld to the demaunds of rebels, did not King *Richard* the second, graunt pardon to the outrageous rogues and murtherers that followed *Jack Straw*, & *Wat Tyler*, after they had murthered his Chancellor, his Treasurer, Chiefe Iustice, and others, brake open his Exchequer, and committed all manner of outrages and villanies, and why did he doe it, but to avoid a greater danger: I say the Kings haue then yeilded to those that hated them and their estates, (to wit) to pernicious rebels. And yet without dishonour shall it be called dishonour for the King to yeeld to honest desires of his subjects. No my Lord, those that tell the King those tales, feare their owne dishonour, and not the Kings, for the honour of the King is supream, and being guarded by Iustice and piety, it cannot receiue neither wound nor itayne.

COVNS. But Sir, what cause haue any vnder our King to feare a Parliament?

IVST. The same cause that the Earle of *Suffolke* had in *Richard* the seconds time, and the Treasurer *Farrbam*, with others; for these great officers being generally hated for abusing both the King and the subiect; at the request of the States were discharged, and others put in their roomes.

COVNS. And was not this a dishonour to the King?

IVST. Certainly no, for King *Richard* knew that his Grandfather had done the like, and though the king was in his heart viterly against it, yet had hee the profite of his exchange; for *Suffolk* was fined at 20 000 markes, and 1 000 lands.

COVNS. Well Sir, we will speake of those that feare the Parliament some other time, but I pray you goe on with that, that happened in the troublesome raigne of *Richard* the second who succeeded, the Grandfather beeing dead.

IVST. That king, my good Lord, was one of the most vnfortunate Princes that euer *England* had, hee was cruell, extreame prodigall, and wholly carried away with his two Minions, *Suffolk*, & the Duke of *Ireland*, by whose ill aduice & others,

others, he was in danger to haue lost his estate; which in the end (being led by men of the like temper) he miserably lost. But for his subsidies hee had giuen him in his first yeare being vnder age two tenths, and two fifteenes: In which Parliament, *Alice Peirce*, who was remoued in king Edwards time, with *Lancaster*, *Latimer*, and *Sturry*, were confiscate & banished. In his second yeare at the Parliament at *Glocester*, the King had a marke vpon euery sacke of wooll, and 6<sup>d</sup> the pound vpon wards. In his third yeare at the Parliament at *Winchester*, the Commons were spared; and a subsidy giuen by the better sort, the Dukes gaue 20 markes, and Earles 6 markes, Bishoppes and Abbots with myters sixe markes, euery marke 3<sup>s</sup> 4<sup>d</sup>, & euery Knight, Iustice, Esquire, Shriene, Parson, Vicar, & Chaplaine, paid proportionably according to their estates.

**Covns.** This me thinkes was no great matter.

**Ivst.** It is true my Lord, but a little mony went far in those dayes: I my selfe once moued it in Parliament in the time of *Queene Elizabeth*, who desired much to spare the Common people, and I did it by her Commaundement; but when we cast vp the subsidy Bookes, wee found the summe but smal, whe the 3<sup>o</sup> men were left out. In the beginning of his fourth yeare, a tenth with a fifteene were granted vpon condition, that for one whole yeare no subsidies should bee demanded; but this promise was as suddenly forgotten as made, for in the end of that yeare, the great subsidy of Poll mony was granted in the Parliament at *Northampton*.

**Covns.** Yea but there followed the terrible Rebellion of *Baker*, *Straw*, and others, *Leister*, *Whais*, and others.

**Ivst.** That was not the fault of the Parliament my Lord, it is manifest that the subsidy giuen was not the cause; for it is plaine that the bondmen of *England* began it, because they were grievously prest by their Lords in their tenure of Villenage, as also for the hatred they bare to the Lawyers & Atturneyes: for the story of those times say, that they destroyed the houses and Mannors of men of law, and such Lawyers as they caught, slew them, and beheaded the Lord  
chief

chiefe Iustice, which commotion being once begun, the headmony was by other Rebels pretended: A fire is often kindled with a little straw, which oftentimes takes hold of greater timber, & consumes the whole building: And that this Rebellion was begun by the discontented slaues (whereof there haue beene many in Eldertimes the like) is manifest by the Charter of *Manumission*, which the King granted in *hec verba*, *Rich. Dei gratia &c. Sciatis quod de gratia nostra spiritualis manumissimus &c.* to which seeing the King was constrained by force of armes, hee revoked the letters Patents, and made them void, the same revocation being strengthened by the Parliament ensuing. In which the King had giuen him a subtedy vpon wools, called a *Maltor*. In the same fourth year was the Lord Treasurer discharged of his Office, and *Hales* Lord of *S. Johns* chosen in his place. In his fifth year was the Treasurer againe changed, and the Staffe giuen to *Seegraue*, and the Lord Chancellour was also changed, and the staffe giuen to the Lord *Scroope*: Which Lord *Scroope* was againe in the beginning of his sixt year turned out, and the King after that he had for a while kept the Scale in his owne hand, gaue it to the Bishop of *London*, from whom it was soone after taken & bestowed on the Earle of *Suffolke*, who they say had abused the King, and converted the Kings Treasure to his owne vie. To this the King condescended, and though (saith *Walsingham*) he deserued to loose his life and goods, yet he had the fauor to goe at liberty vpo good sureties: & because the K. was but yong, & that the reliefe granted was committed to the trust of the Earle of *Arundell* for the furnishing of the Kings Navy against the French.

COVNS. Yet you see it was a dishonor to the K. to haue his beloued Chancellour remoued.

IVS. Truly no, for the K. had both his fine 100000 lds, & a subtedy to boot. And though for the present it pleased the K. to satisfy a man all the world hated (the Ks. passion ouercoming his Iudgmēt) yet it cannot be cal'd a dishonor, for the K. is to belieue the general counsell of the kingdom, & to prefer it before his affection, especially when *Suffolk* was proued to be false euen to the K. for were it otherwise loue and affection might

might bee called a frenzie and a madnesse, for it is the nature of numane passions, that the loue bredde by fidelity, doth change it selfe into hatred, when the fidelity is first changed into fallshood.

**COWLS.** But you see there were thirteene Lords chosen in the Parliament, to haue the oversight of the government vnder the King.

**IVST:** No my Lord, it was to haue the oversight of those Officers, which (saith the story) had imbezeled, lewdly wasted, and prodigally spent the Kings treasure, for to the Commission to those Lords, or to any six of them, joyn'd with the Kings Counsell, was one of the most royall and most profitable that euer he did, if hee had bin constant to himselfe. But my good Lord, man is the cause of his own misery, for I will repeate the substance of the commission granted by the K., & confirmed by Parliament, which, whether it had bin profitable for the K. to haue prosecuted, your Lordship may judge. The preamble hath these words: *Whereas our Sovereigne Lord the King perceiveth by the grievous complaints of the Lords & Commons of this Realme, that the rents, profits, & revenues of this Realme, by the singular and insufficient Council and evill government, as well of some his late great Officers, and others, &c. are so much withdrawn, wasted, cloyued, giuen, granted, alienated, destroyed, and evill dispended, that he is so much impoverished and void of treasure and goods, and the substance of the Crown so much diminished and destroyed, that his estate may not honorably be sustained as appertaineth. The K. of his free Will at the request of the Lords and Commons, hath ordained Willia<sup>m</sup> Archbishop of Canterbury and others with his Chancellor, Treasurer, keeper of his privy seale, to surveye and examine as well the estate and governance of his house, &c. as of all the rents, and profits, and revenues that to him appertyneth, and to be due, or ought to appertain and be due, &c. And all manner of gifts, graunts, alienations and confirmations made by him of lands, tenements, rents, &c. hee gained and sold to the prejudice of him and his Crowne, &c. And of his jewels & goods which were his Grandfathers at the time of his death, &c. and where they be become.*

This

This is in effect the substance of the commission, which your Lordship may reade at large in the booke of Statutes, this commission being enacted in the tenth yere of the Kings reigne. Now if such a commission were in these daies granted to the faithfull men that have no interest in the sales, gifts nor purchases, nor in the keeping of the jewells at the Queenes death, nor in the obtaining, graunts of the Kings best lands, I cannot say what may be recovered, & justly recovered; and what say your Lordship, was not this a noble acte for the King, if it had beene followed to effect?

COVNS. I cannot tell whether it were or no, for it gave power to the Commissioners to examine all the graunts.

IVSR. Why my Lord, doth the King graunt any thing, that shames at the examination? are not the Kings graunts on record?

COVNS. But by your leave, it is some dishonour to a King, to haue his judgement called in question.

IVSR. That is true my Lord, but in this, or whensoever the like shall be granted in the future, the Kings judgement is not examined, but their knavery that abused the King. Nay by your favour, the contrary is true, that when a King will suffer himselfe to bee eaten vp by a company of petty fellowes, by himselfe raised, therein both the judgement and courage is disputed. And if your Lordship will disdaine it at your own servants hands, much more ought the great heart of a King, to disdaine it. And surely my Lord, it is a greater treason (though it vndercreepe the law) to teare from the Crowne the ornaments thereof: And it is an infallible maxime, that hee that loues not his Maiesties estate, loues not his person.

COVNS. How came it then, that the acte was not executed?

IVSR. Because these, against whom it was graunted, perswaded the King to the contrary: As the Duke of Ireland, Suffolke, the chief Iustice Tresilian, & others, yea, that which was lawfully done by the King, and the great Councell of the kingdom, was by the mastery which Ireland, Suffolke,

And

and *Tresilian* had ouer the Kings affections) broken and dis-  
 avowed. Those that deuised to relieue the King, nor by any  
 private inuention, but by generall Councell, were by a pri-  
 uate and partiall assemblie adjudged traitors, and the most  
 honest Iudges of the land, enforced to subscribe to that judg-  
 ment. In so much that Iudge *Belknap* plainly told the Duke  
 of *Ireland*, and the Earle of *Suffolke*, when hee was constrain-  
 ed to set to his hand, plainly told these Lords, that he waned  
 but a rope, that he might therewith receiue a reward for  
 his subscription. And in this Councell of *Nottingham* was  
 hatched the ruine of those which governed the King, of the  
 Iudges by them constrained, of the Lords that loued the  
 King, and sought a reformation, and of the King himselfe; for  
 though the King found by all the Shreues of the shires, that  
 the people would not fight against the Lordes, whom they  
 thought to bee most faithfull vnto the King, when the Citi-  
 zens of *London* made the same answere, being at that time  
 able to arme 50000 men, & told the Major that they would  
 neuer fight against the Kings friends, and defenders of the  
 Realme, when the Lord *Ralph Basset*, who was neere the K.  
 told the King boldly that he would not adventure to haue  
 his head broken for the Duke of *Ireland*s pleasure, when  
 the Lord of *London* told the Earle of *Suffolke* in the Kings  
 presence, that he was not worthy to liue, &c. yet would the  
 King in the defence of the destroyers of his estate, lay am-  
 bushes to intrap the Lords, when they came vpon his faith,  
 yea when all was pacified, and that the King by his Procla-  
 mation had cleer'd the Lords, and promised to produce *Ire-  
 land*, *Suffolke*, & the Archbishop of *Yorke*, *Tresilian* & *Bram-  
 ber*, to answer at the next Parliament, these men confest, that  
 they durst not appeare; and when *Suffolke* fled to *Callice*, and  
 the Duke of *Ireland* to *Chester*, the King caused an army to  
 be leauied in *Lancashire*, for the safe conduct of the Duke of  
*Ireland* to his presence, when as the Duke being encounte-  
 red by the Lords, ranne like a coward from his company, and  
 fled into *Holland*. After this was holden a Parliament, which  
 was called that wrought wonders. In the Eleuenth yeare



of this King, wherein the forenamed Lords, the Duke of *Ireland* and the rest, were condemned and confiscate, the Chiefe Iustice hang'd with many others, the rest of the Iudges condemned, and banisht, and a 10<sup>th</sup> and a 15<sup>th</sup> given to the King.

COVNS: But good Sir: the King was first besieged in the Tower of *London*, and the Lords came to the Parliament, and no man durst contradict them.

IVST: Certainly in raising an army, they committed treason, and though it did appeare, that they all loued the King, (for they did him no harme, hauing him in their power) yet our law doth construe all leauying of war without the kings commission, and all force raised to be intended for the death & destruction of the K. not attending the sequell. And it is so judged vpon good reason, for euery vnlawfull and ill action is supposd to be accompanied with an ill intent. And besides, those Lords vsed too great crueltie, in procuring the sentence of death against diuers of the Kings servants, who were bound to follow and obey their Master and Soueraigne Lord, in that he commanded.

COVNS. It is true, and they were also greatly to blame to cause then so many seconds to be put to death, seeing the principalls, *Ireland*, *Suffolke*, and *Torke* had escaped them. And what reason had they to seeke to enforme the State by strong hand, was not the Kings estate as deere to himselfe, as to them? He that maketh a King know his errour manerly and priuate, and giues him the best aduice, hee is discharged before God and his owne conscience. The Lords might haue retired themselues, when they saw they could not preuaile, and haue left the King to his owne wayes, who had more to lose then they had.

IVST. My Lord, the taking of Armes cannot be excused in respect of the law, but this might be said for the Lords that the K. being vnder yeres, and being wholly governed by their enemies, & the enemies of the kingdome, and because by those euill mens perswasions, it was aduised, how the Lords should haue bin murdered at a feast in *London*, they were excusable during the kings minority to stand vpon their guards against their

their particular enemies. But we will passe it ouer and go on with our parliaments that followed, whereof that of Cambridge in the Ks. 1<sup>2</sup><sup>th</sup> yeare was the next, therein the K. had giuen him a 10<sup>th</sup> & a 15<sup>th</sup>, after which being 20. yeres of age rechaged (saith *H. Kingstou*) his Treasurer, his Chancellor, the Iustices of either bench, the Clerk of the priuy seale & others, & tooke the gouernment into his owne hands. He also tooke the Admirals place frō the Earle of Arundell, and in his roome hee placed the Earle of Huntingdon in the yeare following, which was the 13<sup>th</sup> year of the K. in the Parliament at Westminster there was giuen to the King vpon every sacke of wooll 14<sup>s</sup> and 6<sup>d</sup> in the pound vpon other Merchandise,

**Covns.** But by your leaue, the King was restrained this parliament, that he might not dispose of, but a third part of the money gathered.

**Ivsr:** No my Lord, by your fauour. But true it is that part of this mony was by the Kings consent assigned towards the wars, but yet left in the Lord Treasurers hands, And my Lo: it would be a great ease, and a great sauing to his Maiesty our Lord and Master, if it pleased him to make his assignations vpon some part of his renewes, by which he might haue 1000<sup>l</sup> vpon every 10000<sup>l</sup>, & saue himselfe a great deale of clamour. For seeing of necessity the Nauy must be maintained, and that those poore men as well Carpenters as ship-keepers must be paid, it were better for his Maiesty to giue an assignation to the treasurer of his navy for the receiuing of so much as is called ordinary, then to discontent those poore men, who being made desperate beggars, may perchance be corrupted by them that lye in waite to destroy the Ks. estate. And if his Maiesty did the like in all other payments, especially where the necessity of such as are to receiue, cannot possible giue daies, his Maiesty might then in a litle rowle behold his receipts and expences, hee might quiet his heart when all necessities were provided for, and then dispose the rest at his pleasure. And my good Lord, how excellently and easily might this haue bin done, if the 400000<sup>l</sup> had been raised as aforesaid vpon the Kings lands, and wards, I say that his Maiesties house, his navy, his guards, his pensioners,

his munition, his Ambassadors and all else of ordinary charge might haue beene defrayed, and a great summe left for his Maiesties casuall expences and rewardes, I will not say they were not in loue with the Kings estate, but I say they were vnf Fortunately borne for the King that croll it.

Covns. Well Sir, I would it had been otherwise, But for the assignments, there are among vs that will not willingly indure it. Charity begins with it selfe, shall wee hinder our selues of 50000<sup>l</sup> *per annum* to saue the King 20? No Sir, what will become of our New-yeares gifts, our presents and gratuities? We can now say to those that haue warrants for money, that there is not a penny in the Exchequer, but the king giues it away vnto the Scottes faster then it comes in.

lv s.r. My Lord you say well, at least you say the trueth, that such are some of our answers, and hence comes that generall murmur to all men that haue money to receive, I say that there is not a penny giuen to that nation, be it for seruice or otherwise but it is spread ouer all the kingdome: yea they gather notes, and take copies of all the priuy seales and warrants that his Maiesty hath giuen for the money for the Scots, that they may shew them in Parliament. But of his Maiesties gifts to the English, there is no brute though they may be tenne times as much as the Scots. And yet my good Lord, howsoeuer they be thus answered that to them due for money out of the Exchequer, it is due to them for 10 or 12. or 20 in the hundred, abated according to their qualities that shew, they are alwaies furnished. For conclusion, if it would please God to put into the Kings heart to make their assignments, it would saue him many a pound, and gaine him many a prayer, and a great deale of loue, for it grieueth every honest mans heart to see the abundance which euen the petty officers in the Exchequer, and others gather both from the king and subiect, and to see a world of poore men iunne after the king for their ordinary wages.

Covns. Well, well did you neuer heare this old tale, that when there was a great contentation about the weather the Seamen complaining of contrary windes, when those of  
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the high Countreyes desired raine, and those of the valleyes sunshining dayes, *Jupiter* sent them word by *Mercury*, then, when they had all done, the weather should be as it had bin, And it shall euer fall out so with them that complaine, the course of payments shall be as they haue beene, what care we what petty fellowes say? or what care wee for your papers? haue not we the Kings eares, who dares contest with vs? though we cannot be revenged on such as you are for telling the truth, yet vpon some other pretence, wee'll clap you vp, and you shall sue to vs ere you get out. Nay wee'll make you confesse that you were deceiued in your proiects, and cate your owne words: learne this of me Sir, that as a little good fortune is better then a great deale of vertue: so the least authority hath advantage over the greatest wit, was he not the wisest man that said, *the battaile was not to the strongest, nor yet bread for the wise, nor riches to men of vnderstanding, nor fauour to men of knowledge*: but what time & chance came to them all.

IVST. It is well for your Lordship that it is so. But *Queen Elizabeth* would set the reason of a meane man, before the authority of the greatest Councillor she had, and by her patience therein she raised vpon the vsuall and ordinary customes of London without any new impositiō about 50000<sup>l</sup> a yeare, for though the Treasurer *Burleigh*, and the Earle of Leicester, and Secretary *Walshingham*, all three pensioners to Customer *Smith*, did set themselves against a poore waiter of the Custome-house called *Carwarden*, and commaunded the groomes of the privy Chamber not to give him access, yet the Queene sent for him, and gaue him countenance against them all. It would not serue the turne, my Lord, with her; when your Lordships would tell her, that the disgracing her great officers by hearing the complaints of busie heads, was a dishonour to her selfe, but she had alwaies this answer, *That if any man complaine vniustly against a Magistrate, it were reason he should be severely punished, if iustly, shee was Queene of the small, as well as of the great, and would heare their complaints*. For my good Lord, a Prince that suffereth himselfe

himselfe to be besieged, forsaketh one of the greatest regalities belonging to a Monarchie, to wit, the last appeale, or as the French call it, *le dernier ressort*.

COVNS : Well Sir, this from the matter, I pray you go on.

IVST. Then my Lord, in the kings 15<sup>th</sup> yeare he had a tenth and a fiftene graunted in Parliament of London. And that same yeare there was a great Councell called at Stamford to which diuerse men were sent for, of diuerse countie besides the Nobility, of whom the K. tooke advice whether he should continue the war, or make a finall end with the French.

COVNS. What needed the king to take the advice of any but of his owne Councell in matter of peace or warre.

IVST. Yea my Lord, for it is said in the Prouerbes, *where are many counsellors, there is health*. And if the king had made the warre by a generall consent, the kingdome in generall were bound to maintaine the warre, and they could not then say when the King required ayde, that he vndertooke a needlesse warre.

COVNS. You say well, but I pray you go on.

IVST. After the subsidy in the 15. yeare, the King desired to borrow 10000<sup>l</sup> of the Londoners, which they refused to lend.

COVNS. And was not the King greatly troubled therewith.

IVST : Yea but the King troubled the Londoners soone after, for the king tooke the aduantage of a ryot made vpon the Bishop of Salisbury his men, sent for the Maior, and other the ablest citizens, committed the Maior to prison in the Castle of Windsor, and others to other castles, and made a Lord Warden of this citty, till in the end what with 10000<sup>l</sup> ready money, and other rich presents, instead of lending 10000<sup>l</sup> it cost them 20000<sup>l</sup>. Betweene the fiftenth yeare and twentieth yeare, hee had two aydes given him in the Parliaments of Winchester and Westminster : and this later was given to furnish the Kings journey into Ireland, to establish that estate which was greatly shaken since the death of the

the Kings Grandfather, who receiued thence yearly 30000<sup>l</sup> and during the Kings stay in Ireland he had a 10<sup>th</sup> and a 15<sup>th</sup> graunted.

Covns. And good reason, for the King had in his army 4000. horse and 30000. foote.

Ivsr. That by your fauour, was the Kings sauity: for great armies do rather devour themselves then destroy enemies. Such an army, (whereof the fourth part would haue conquered all Ireland) was in respect of Ireland such an army as *Xerxes* led into Greece in this twentieth yeare, wherein hee had a tenth of the Cleargy, was the great conspiracy of the Kings vnkle, the Duke of Gloucester, and of Moubrey, Arundell, Nottingham, and Warwick, the Archbishop of Canterbury and the Abbotte of Westminster, and others who in the 21<sup>th</sup> yere of the King were all redeemed by parliament. and what thinks your Lordship, was not this assembly of the 3 states for the kings estate, wherein he so prevailed, that he not onely overthrew those popular Lords, but besides (the English Chronicle sayth, the king so wrought and brought things about, that hee obtained the power of both houses to be graunted to certaine persons, to 15. Noblemen and Gentlemen, or to seauen of them.

Covns. Sir, whether the king wrought well or ill I cannot judge, but our Chronicles say, that many things were done in this parliament, to the displeasure of no small number of people, to wit, for that diuers rightfull heires were disinherited of their lands & liuings, with which wrongfull doings the people were much offended, so that the king with those that were about him, and chiefe in counsell, came into great infamy and slander.

Ivsr. My good Lord, if your Lordship will pardon mee, I am of opinion that those Parliaments wherein the kings of this land haue satisfied the people, as they haue bene euer prosperous, so where the king hath restrained the house, the contrary hath happened, for the Kings achievements in this Parliament, were the ready preparations to his ruine.

Cov: You meane by the general discontent: métr that follow-

ed; and because the King did not proceede legally with Gloucester and others. Why, Sir, this was not the first time that the Kings of England haue done things without the Counsell of the land: yea, contrary to the law.

Ivst: It is true my Lord in some particulars, as euen at this time the Duke of Gloucester was made away at Callice by strong hand, without any lawfull triall: for he was a man so beloued of the people and so allied, hauing the Dukes of Lancaster, and Yorke his brethren, the Duke of Aumarle, and the Duke of Hertford his Nephewes, the great Earles of Arundell and Warwicke, with diuerse other of his part in the conspiracy, as the King durst not trie him according to the law: for at the triall of Arundell and Warwicke, the king was forced to entertaine a petty army about him. And though the Duke was greatly lamented, yet it cannot be denyed but that he was then a traytor to the King. And was it not so my Lord with the Duke of Guise: your Lordship doth remember the spurgald proverbe, that *necessitas habet no law*: and my good Lord, it is the practice of doing wrong, and of generall wrongs done, that brings danger, and not where kings are prest in this or that particular, for there is great difference betweene naturall cruelty and accidental. And therefore it was Machiauels advice, that *all that a King did in that kind, he shall do at once, and by his mercies afterwards make the world know that his cruelty was not affected*. And my Lord take this for a generall rule, that the immortall policy of a state cannot admit any law or priuiledge whatsoeuer, but in some particular or other, the same is necessarily broken, yea in an *Aristocratta* or popular estate, which vaunts so much of equality and common right, more outrage hath beene committed then in any Christian Monarchy.

Civns: But whence came this hatred between the Duke and the King his Nephew.

Ivst. My Lord the Dukes constraining the King, when he was young, stucke in the Kings heart, and now the Dukes proud speech to the King when hee had rendred *Brest* formerly



merly engaged to the Duke of Brittain, kindled againe these coales that were not altogether extinguished, for he vsed these words: *Your grace ought to put your body in great paine to winne a strong hold or towne by seas of armes, ere you take upon you to sell or deliuer any towne gotten by the manhood and strong hand and policy of your noble progenitors.* Whereat, sayth the story, the King changed his countenance, &c: and to say trueth, it was a proud and maiesterly speech of the Duke; besides that inclusiue hee taxed him of sloath and cowardise, as if he had neuer put himselfe to the adventure of winning such a place. vndutifull wordes of a subiect do often take deeper roote then the memory of ill deedes do: The Duke of Biron found it when the King had him at advantage. Yea the late Earle of Essex told *Queene Elizabeth* that her conditions was as crooked as her carkasse: but it cost him his head, which his insurrection had not cost him, but for that speech, *who will say vnto a King (saith Iob) thou art wicked.* Certainly it is the same thing to say vnto a Lady, thou art crooked (and perchance more) as to say vnto a King that he is wicked, and to say that hee is a coward, or to vsie any other wordes of disgrace, it is one and the same error.

*Humanum est errare.*

**COVN:** But what say you for Arundell: a braue and valiant man, who had the Kings pardon of his contempt during his minority.

**IUST:** My good Lord, the Parliament which you say disputes the Kings prerogative, did quite contrary, and destroyed the kings charter and pardon formerly giuen to Arundell. And my good Lord, do you remember, that at the Parliament that wrought wonders, when these Lords compounded that parliament, as the King did this, they were merciflesse towards all, that they thought their enemies, as the Earle of Arundell most insolently suffered the Queene to kneele vnto him three houres for the sauing of one of her seruants, and that scorne of his *manebat alto more repositum.* And to say the truth, it is more barbarous & vnparadonable then any act that ever hee did to permit the wife of his Soueraigne to

kneele to him being the Kings vassaille. For if he had saued the Lords seruant freely at her first request, as it is like enough that the Qu: would also haue saued him, *Miseria succurrens paria obtenibis aliquando*: For your Lordship sees that the Earle of Warwicke who was as farre in the treason as any of the rest, was pardoned. It was also at this parliament that the Duke of Hereford accused *Monbray* Duke of Norfolk, and that the Duke of Hereford, sonne to the Duke of Lancaster, was banished to the Kings confusion, as your Lordship well knowes.

Covns, I know it well and God knowes that the K. had then a silly and weake Councell about him, that perswaded him to banish a Prince of the blood, a most valiant man, and the best beloued of the people, in generall of any man living, especially considering that the K. gave euery day more then other offence to his subiects. For besides that he fined the inhabitants that assisted the Lords in his Minority of the 17 shires) which offence he had long before pardoned, his blank Charters, and letting the Realme to farme to meane persons, by whom he was wholly aduised, increased the peoples hatred towards the present gouernment.

Ivst: You say well my L. Princes of an ill destiny do alwaies follow the worst councell, or at least imbrace the best after opportunity is lost, *Qui consilia non ex suo corde sed alienis viribus colligunt, non animo sed auribus cogitant*. And this was not the least griefe of the subiect in generall, that those men had the greatest part of the spoile of the commonweale, which neither by vertue, valour or counsell could adde any thing vnto it: *Nihil est sordidius, nihil crudelius, (saith Anse: Pius) quasi Remp. ij arrode, qui nihil in eam suo labore conferunt*.

Covns: Indeede the letting to farme the Realme was very grievous to the subiect.

Ivst. Will your Lordship pardon me if I tel you that the letting to Farme of his Maiesties Customes (the greatest revenue of the Realme) is not very pleasing.

Covn And why I pray you, doth not the K. thereby raise his profits euery third yeare, and one farmer out bids another to the Kings advantage.

Ivst:

**Ivsr.** It is true my Lord, but it grieues the subiect to pay custome to the subject, for what mighty men are those Farmers become, and if those Farmers get many thousands euery yeare, as the world knowes they doe, why should they not now (being men of infinite wealth) declare vnto the K. vpon an oath, what they haue gained, and henceforth become the Kings collectors of his Custome, did not *Qucene Elizabeth* who was reputed both a wise and iust Princeesse, after shee had brought *Cassomer Smith* from 14000<sup>l</sup> a yeare to 42000<sup>l</sup> a yeare, made him lay downe a recompence for that which hee had gotten? And if these Farmers doe giue noe recompence, let them yet present the King with the trueth of their receivings and profits. But my Lord for conclusion, after *Bollingbrooke* arriuing in *England* with a small troope: Notwithstanding the King at his Landing out of *Ireland*, had a sufficient and willing army: yet hee wanting courage to defend his right, gaue leaue to all his Souldiers to depart, and put himselfe into his hands that cast him into his graue.

**COVNS.** Yet you see, he was depos'd by Parliament.

**Ivsr.** Aswell may your Lordship say he was knock't in the head by Parliament, for your Lordship knowes that if King *Richard* had euer escaped out of their fingers, that depos'd him, the next Parliament would haue made all the deposees traitors and rebels, and that iustly. In which Parliament, or rather vnlawful assembly, there appeared but one honest man, to wit, the B. of *Carlisle*, who scorned his life, and estate, in respect of right & his allegiance, & defended the right of his Soueraigne Lo: against the K. elect and his partakers.

**COVNS.** Well I pray go on with the Parliaments held in the time of his successor *Henry* the fourth,

**Ivsr.** This King had in his third yeare a subfedy, and in his fift a tenth of the Cleargie without a Parliament; In his sixt yeare he had so great a subfedy, as the House required there might be no record thereof left to posterity, for the House gaue him 20<sup>l</sup> of euery knights Fee, and of euery 20<sup>l</sup> land, 20<sup>d</sup> and 12<sup>d</sup> the pound of goods.

**COVNS.** Yea in the end of this yere, the Parliament prest the

King to annex vnto the Crowne all temporall possessions belonging to Church-men within the land, which at that time, was the third foote of all *England*. But the Bishops made friends, and in the end saued their estates.

IVST. By this you see, my Lord, that *Cromwell* was not the first that thought on such a busines. And if King *Henry* the 8<sup>th</sup> had reserved the Abbeyes, and other Church lands, which he had giuen at that time, the reuenuē of the Crowne of *England*, had exceeded the reuenuē of the Crowne of *Spaine*, with both the *Indies*, whereas vsed as it was, (a little enriched the Crowne) serued but to make a number of petti-foggers, and other gentlemen.

COVNS. But what had the king in steed of this great reuenuē.

IVST. Hee had a 15<sup>th</sup> of the Commons, and a tenth, and a halfe of the Clergy, and withall, all pensions graunted by king *Edward*, and king *Richard* were made voide. It was also moved, that all Crowne lands formerly giuen (at least giuen by *K. Ed.* and *K. Rich.*) should be taken backe.

COVNS. What thinke you of that, Sir? would it not haue bene a dishonour to the king? and would not his Successors haue done, the like to those that the King had aduanced?

IVST. I cannot answere your Lordship, but by distinguishing, for where the Kings had giuen land for seruices, and had not bene ouer-reached in his gifts, there it had bin a dishonour to the king, to haue made voide the graunts of his predecessors, or his graunts, but all those graunts of the Kinges, wherein they were deceived, the very custome and policy of *England* makes them voyde at this day.

COVNS. How meane you that, for his Majestie hath giuen a great deale of Land among vs since he came into *England*, and would it stand with the kinges honour to take it from vs againe.

IVST. Yea my Lord, very well with the kinges honour, if your Lordship, or any Lord else, haue vnder the name of 100<sup>l</sup> land a yeare, gotten 500<sup>l</sup> land, and so after that rate.

COVNS.

**Covns.** I will never believe that his Majestie will ever doe any such thing.

**Ivst.** And I believe as your Lordship doth, but we spake e're. while of those that dissuaded the King from calling it a Parliament: And your Lordship asked me the reason, why any man should dissuade it, or feare it, to which, this place giues me an opportunity to make your Lordship an answer, for though his Majesty will of himself never question those graunts, yet when the Commons shall make humble petition to the King in Parliament, that it will please his Majestie to assist them in his reliefe, with that which ought to be his owne, which, if it will please his Majestie to yeeld vnto, the house will most willingly turnish and supply the rest, with what grace can his Majestie deny that honest suite of theirs, the like hauing beene done in many Kings times before? This proceeding, my good Lord, may perchance proue all your phraeses of the Kings honour, false *English*.

**Covns.** But this cannot concerne many, and for my self, I am sure it concernes me little.

**Ivst.** It is true my Lord, and there are not many that dissuade his Majestie from a Parliament.

**Covns.** But they are great ones, a few of which will serue the turne well enough.

**Ivst.** But my Lord, be they neuer so great (as great as Gyants) yet if they dissuade the King from his ready and assured way of his subsistence, they must devise how the K: may be else-where supplied, for they otherwise runne into a dangerous fortune.

**Covns.** Hold you contented Sir, the King needs no great dissuasion.

**Ivst.** My Lord, learne of me, that there is none of you all, that can pierce the King. It is an essentiall property of a man truly wise, not to open all the boxes of his bosome, even to those that are nearest and dearest vnto him, for when a man is discovered to the very bottome, he is after the lesse esteemed. I dare wadoe it, that when your Lordship hath served the King twice twelue yeares more, you will finde, that his

Majestie

Majestie hath reserved somewhat beyond all your capacities, his Majesty hath great reason to put off the Parliament, at his last refuge, and in the meane time, to make triall of all your loves to serve him, for his Majestie hath had good experience, how well you can serve your selves: But when the King finds, that the building of your owne fortunes and factions, hath bene the diligent studies, and the service of his Majestie, but the exercises of your leisures: Hee may then perchance cast himself vpon the generall love of his people, of which (I trust) hee shall never be deceived, and leaue as many of your Lordships as haue pilfered from the Crowne, to their examination.

COVNS. Well Sir, I take no great pleasure in this dispute, goe on I pray.

Ivs r. In that Kinges 5<sup>th</sup> yeare, hee had also a subtedy, which he got by holding the house together from Easter to Christmas, and would not suffer them to depart. He had also a subtedy in his ninth yeare. In his eleventh yeare the Commons did againe presse the king to take all the temporalities of the Church-men into his hands, which they proved sufficient to maintaine 150. Earles, 1500. knights, & 6400. Esquiers, with a hundred hospitals, but they not prevayling, gaue the King a subtedy.

*Hen. 5.*

As for the notorious Prince, *Henry* the fift, I finde, that he had given him in his second yeare 300000. markes, and after that two other subtedies, one in his fifth yeare, another in his ninth, without any disputes.

*Hen. 6.*

In the time of his successour *Henry* the sixt, there were not many subtedies. In his third yeare, he had a subtedy of a Tunnage and Poundage. And here (saith *John Stow*) began those payments, which wee call customes, because the payment was continued, whereas before that time it was granted but for a yeare, two or three, according to the kings occasions. He had also an ayde and gathering of money in his fourth yeare, and the like in his tenth yeare, and in his thirteenth yeare a 15<sup>th</sup>. He had also a fiftieth for the conveying

of the *Queenè* out of *France* into *England*. In the twenty eight yeare of that King was the acte of Resumption of all honours, townes, castles, Signiories, villages, Manors, lands, tenements, rents, reversiones, fees, &c. But because the wages of the Kings seruants, were by the strictnes of the acte also restrained, this acte of Resumption was expounded in the Parliament at *Reading* the 31<sup>th</sup> yeare of the Kings reigne.

**COVNS.** I perceiue that those acts of Resumption were ordinary in former times; for King *Stephen* resumed the lands, which in former times he had giuen to make friends during the Ciuill warres. And *Henry* the second resumed all (without exception) which King *Stephen* had not resumed; for although King *Stephen* tooke backe a great deale, yet he suffered his trustiest seruants to enjoy his gift.

**IVSR.** Yes my Lord, & in after times also; for this was not the last, nor shall be the last, I hope. And judge you my Lord, whether the Parliaments doe not only serue the King, whatsoeuer is said to the contrary; for as all King *Henry* the 6, gifts and graunts were made voide by the Duke of *Torke*, when he was in possession of the kingdome by Parliament. So in the time of *K. H.* when *K. Edw.* was beaten out again, the Parliament of *Westminster* made all his acts voyde, made him & all his followers traytors, and gaue the King many of their heads & lands. The Parliaments of *England* do alwaies serue the King in possession. It seru'd *Rich.* the second to condemne the popular Lords. It seru'd *Bollingbrooke* to depose *Rich.* When *Edw.* the 4. had the Scepter, it made them all beggars that had followed *H.* the 6. And it did the like for *H.* when *Edw.* was driven out. The Parliaments are as the friendship of this world is, which alwayes followeth prosperity. For *K. Edw.* the 4: after that he was possided of the Crown, he had in his 13. yeare a subtedy freely giuen him: & in the yeare following hee tooke a beneuolence through *England*, which arbitrary taking frõ the people, seru'd that ambitious traytor the Duke of Bucks. After the Kings death was a plausible argument to perswade the multitude,



that they should not permit (saith Sir *Thomas More*) his line to raigne any longer vpon them.

COVNS. Well Sir, what say you to the Parliament of *Richard* the third his time?

IUST. I finde but one, and therein he made diuerse good Lawes. For *K. Henry* the seuenth in the beginning of his third yeare he had by Parliament an ayde granted vnto him, towards the reliefe of the Duke of *Brittaine*, then assailed by the *French* King. And although the King did not enter into the warre, but by the aduice of the three estates, who did willingly contribute: Yet those Northerne men which loued *Richard* the third, raised rebellion vnder colour of the mony impos'd, & murdered the Earle of *Northumberland* whom the King employed in that Collection. By which your Lordship sees, that it hath not bene for taxes and impositions alone, that the ill disposed haue taken Armes; but euen for those payments which haue bene appoynted by Parliament.

COVNS. And what became of these Rebels?

IUST. They were fairely hang'd, and the money levied notwithstanding, in the Kings first yeare he gathered a marvailous great masse of mony, by a beneuolence, taking parterne by this kind of levie from *Edw.* 4<sup>th</sup>. But the King caused it first to be moued in Parliament where it was allowed, because the poorer sort were therein spared. Yet it is true that the King vsed some arte, for in his Letters hee declared that hee would measure every mans affections by his gifts. In the thirteenth yeare hee had also a subsidy, whereupon the Cornish men tooke Armes, as the Northerne men of the Bishoppricke had done in the third yeare of the King.

COVNS. It is without example, that euer the people haue rebelled for any thing granted by Parliament, saue in this kings dayes.

IUST. Your Lordship must consider, that he was not ouer much belou'd, for hee tooke many advantages vpon the people and the Nobility both.

COVNS.

COVNS. And I pray you what say they now of the new impositions lately laide by the Kings Maiesty? doe they say that they are justly or vnjustly laide?

IVST. To Impose vpon all things brought into the Kingdome is very ancient: which imposing when it hath beene continued a certaine time, is then called Customes, because the subiects are accustomed to pay it, and yet the great taxe vpon wine is still called Impost, because it was imposed after the ordinary rate of payment, had lasted many yeares. But we doe now a dayes vnderstand those things to bee impositions, which are raised by the commaund of Princes, without the aduice of the common-wealth, though (as I take it) much of that which is now called custome, was at the first imposed by Prerogatiue royall: Now whether it be time or consent that makes them just, I cannot define, were they just because new, and not justified yet by time, or vnjust because they want a generall consent: yet is this rule of Aristotle verified in respect of his Maiestie: *Minus timens homines iniustum pati a principe quem cultorem dei putant.* Yea my Lord, they are also the more willingly borne, because all the world knowes they are no new Invention of the Kings. and if those that aduised his Maiestie to impose them, had raised his lands (as it was offered them) to 20000 more then it was, and his wards to as much as aforesaid, they had done him farre more acceptable seruice. But they had their owne ends in refusing the one, and accepting the other. If the land had beene raised, they could not haue selected the best of it for themselves: If the impositions had not been laide, some of them could not haue their silkes, others peeces in farme, which indeed grieued the subiect tenne times more then that which his Maiestie enioyeth. But certainly they made a great aduantage that were the aduersers, for if any tumult had followed his Maiesty, ready way had beene to haue deliuered them ouer to the people.

COVNS. But thinke you that the King would haue deliuered them if any troubles had followed?

IVS I. I know not my Lord, it was *Machiavels* counsell to *Cæsar Borgia* to doe it, and *K. H.* the 8. deliuered vp *Empson* and *Dudley*, yea the same King, when the great Cardinall *Woolsey*, who gouerned the King and all his estate, had (by requiring the fixt part of euery mans goods for the King) raised a rebellion, the King I say disavowed him absolutely, that had not the Dukes of *Norfolke* and *Suffolke* appeased the people, the Cardinall had sung no more Masse: for these are the words of our Story: The King then came to *Westminster* to the Cardinals palace, and assembled there a great Councell, in which he protested, that *his minde was neuer to aske any thing of his commons which might sound to the breach of his Lawes*. Wherefore hee then willed them to know by whose meanes they were so strictly giuen foorth. Now my Lord, how the Cardinall would haue shifted himselfe, by saying, *I had the opinion of the Iudges*, had not the rebellion beene appeas'd, I greatly doubt.

COVNS. But good Sir, you blanch my question, and answer mee by examples. I aske you whether or noe in any such tumult, the people pretending against any one or two great Officers, the King should deliuer them, or defend them?

IVS II. My good Lord, the people haue not slayde for the kings deliury, neither in *England*, nor in *France*: Your Lordship knowes how the Chancellour, Treasurer, and Chiefe Iustice, with many others at severall times haue bin vsed by the Rebels: And the Marshals, Constables, and Treasurers in *France*, haue beene cut in peeces in *Charles* the fixt his time. Now to your Lordships question, I say that where any man shall giue a King perilous advice, as may either cause a Rebellion, or draw the peoples loue from the King, I say, that a King shall be aduised to banish him: But if the King doe absolutely command his seruants to doe any thing displeasing to the Comwdn. wealth, and to his own perill, there is the King bound in honour to defend him. But my good Lord for conclusion, there is no man in *England* that will lay  
any

any invention either grienous or against law vpon the Kings Maiefty: And therefore your Lordships must share it amongst you.

COVNS. For my part, I had no hand in it, (I thinke) *Ingram* was he that propounded it to the Treasurer.

IVST. Alas my good Lord, euery poore wayter in the Custome-house, or euery promooter might haue done it, there is no invention in these things. To lay impositions, and sell the Kings lands, are poore and common deuices. It is true that *Ingram* and his fellowes are odious men, and therefore his Maiestie pleas'd the people greatly to put him from the Cofferchip. It is better for a Prince to vse such a kinde of men, then to countenance them, hang-men are necessary in a common-wealth: yet in the Netherlands, none but a hangmans sonne will marry a hangmans daughter. Now my Lord, the last gathering which *Henry* the seauenth made, was in his twentieth yeare, wherein hee had another beneuolence both of the Cleargy and Laity, a part of which taken of the poorer sort, hee ordained by his testament that it should bee restored. And for King *Henry* the eight, although hee was left in a most plentiful estate, yet hee wonderfully prest his people with great payments; for in the beginning of his time it was infinite that he spent in Masking and Tilting, Banquetting, and other vanities, before he was entred into the most consuming expence of the most fond and fruitlesse warre that euer King vnderooke. In his fourth yeare he had one of the greatest subsidies that euer was graunted; for besides two fifteenes and two dismes, he vsed *Dauids* Lawe of Capitation or head money, and had of euery Duke ten marks, of euery Earle five pounds, of euery Lord foure pounds, of euery Knight foure markes, and euery man rated at 8<sup>li</sup> in goods, 4 markes, and so after the rate: yea euery man that was valued but at 40<sup>s</sup> paid 12<sup>d</sup>, and euery man and woman about 15 yeares 4<sup>d</sup>. Hee had also in his sixt yeare diuers subsidies granted him. In his fourteenth their was a tenth demanded of euery mans goods, but it was moderated. In the Parliament following,

the Clergie gaue the King the halfe of their spirituall liuings for one yeare, & of the Laity there was demanded 800000<sup>l</sup>, which could not be leauied in England, but it was a marvellous great gift that the king had giuen him at that time. In the Kings seuenteenth yeare was the Rebellion before spoken of, wherein the King disauowed the Cardinall: In his seuenteenth yeere hee had the tenth and fifteenth giuen by Parliament, which were before that time paide to the Pope. And before that also, the monyes that the King borrowed in his fifteenth yeare were forgiuen him by Parliament in his seuenteenth yeare. In his 35. yeare a subfedy was granted of 4<sup>d</sup> the pound of euery man worth in goods from 20<sup>s</sup> to 5<sup>l</sup>, from 5<sup>l</sup> to 10<sup>l</sup> and vpwards of euery pound 2<sup>d</sup>. And all strangers, denizens and others doubled this summe, strangers not being inhabitants aboue 16. yeares 4<sup>d</sup> a head. All that had Lands, Fees, and Annuities, from 20 to 5. and so double as they did for goods: And the Cleargy gaue 6<sup>d</sup> the pound. In the thirty seuenth yeere, a Beneuolence was taken not voluntary, but rated by Commissioners, which because one of the Aldermen refused to pay, he was sent for a souldier into *Scotland*. He had also another great subfedy of sixe shillings the pound of the Clergy, and two shillings eight pence of the goods of the Laity, and foure shillings the pound vpon Lands.

In the second yeare of *Edward* the sixt, the Parliament gaue the King an ayde of twelue pence the pound of goods of his Naturall subiects, and two shillings the pound of strangers, and this to continue for three yeares, and by the statute of the second and third of *Edward* the sixt, it may appeare, the same Parliament did also giue a second ayde, as followeth, (to wit) of euery Ewe kept in seuerall pastures, 3<sup>d</sup>: of euery weather kept as aforesaid 2<sup>d</sup>: of euery sheepe kept in the Common, 1<sup>d</sup> ob. The House gaue the King also 8<sup>d</sup> the pound of euery woollen cloath made for the sale throughout *England* for three yeares. In the third and fourth of the King, by reason of the troublesome gathering of the polymony vpon sheepe, and the taxe vpon cloath, this acte of subfedy

feddy was repeal'd, and other reliefe given the King, and in the kings seauenth yeare hee had a subfeddy and two fiftenees.

In the first yeare of *Queene Mary*, tunnage and poundage were granted. In the second yeare a subfeddy was given to King *Philip*, and to the *Queene*, shee had also a third subfeddy in *Annis 4. & 5.*

Now my Lord, for the Parliaments of the late *Queenes Eliz. R.* time, in which there was nothing new, neither head money, nor sheepe money, nor escuage, nor any of these kindes of payments was required, but onely the ordinary subfedites, & those as easily graunted as demaunded, I shall not neede to trouble your Lordship with any of them, neither can I informe your Lordship of all the pailages and actes which haue passed, for they are not extant, nor printed.

*COVNS.* No, it were but time lost to speake of the latter, and by those that are already remembered, we may iudge of the rest, for those of the greatest importance are publique. But I pray you deale freely with mee, what you thinke would bee done for his Maiestie, if hee should call a Parliament at this time, or what would be required at his Maiesties hands?

*IVST.* The first thing that would be required, would be the same that was required by the Commons in the thirteenth yeare of *H. the 8.* (to wit) that if any man of the commons house should speake more largely, then of duty hee ought to doe, all such offences to be pardoned, and that to be of record.

*COVNS.* So might euery Companion speake of the King what they list.

*IVST.* No my Lord, the reuerence which a Vassall oweth to his Soueraigne, is alwaies intended for euery spech, howsoeuer it must import the good of the King, and his estate, and so long it may bee easily pardoned, otherwise not; for in *Queene Elizabeths* time, who gaue freedome of spech in all Parliaments, when *Wentworth* made those moti-

motions, that were but supposed dangerous to the Queenes estate, he was imprisoned in the Towre, notwithstanding the priviledge of the house, and there died.

COVNS. What say you to the *Scicilian vespers* remembered in the last Parliament?

IVSR. I say, hee repented him heartily that vsed that speech, and indeed besides that, it was seditious, this example held not: The *French* in *Scicily* vsurped that Kingdome, they kept neither law nor faith, they tooke away the inheritance of the Inhabitants, they tooke from them their wiues, and rauished their daughters, committing all other insolencies that could bee imagined. The Kings Maiesty is the Naturall Lord of *England*, his Vassals of *Scotland* obey the English Lawes, if they breake them, they are punished without respect. Yea his Maiesty put one of his Barons to a shamefull death, for being consenting onely to the death of a Common Fencer: And which of these euer did or durst commit any outrage in *England*, but to say the truth, the opinion of packing the last, was the cause of the contention and disorder that happened.

COVNS. Why sir? doe you not think it best to compound a Parliament of the Kings seruants and others, that shall in all obey the kings desires?

IVSR. Certainly no, for it hath neuer succeeded well, neither on the kings part, nor on the subiects, as by the Parliament before-remembered your Lordshippe may gather, for from such a composition doe arise all jealousies, and all contentions. It was practized in elder times, to the great trouble of the kingdome, and to the losse and ruine of many. It was of latter time vsed by King *Henry* the eight, but euery way to his disadvantage. When the King leaues himselfe to his people, they allure themselves that they are trusted and beloued of their king, and there was neuer any assembly so barbarous, as not to aunswere the loue and trust of their King. *Henry* the sixt when his estate was in effect vtterly ouerthrowne, & vtterly impouerished at  
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the humble request of his Treasurer made the same knowne to the House: Or otherwise, vsing the Treasurers own words He humbly desired the King to take his Staffe; that he might saue his wardship.

*Counc.* But you know, they will presently be in hand with those impositions, which the King hath layd by his owne Royall Prerogatiue.

*Iust.* Perchance not my Lord; but rather with those impositions that haue beene by some of your Lordships layd vpon the King, which did not some of your Lordships feare more then you doe the impositions layd vpon the Subiects, you would neuer dissuade his Maiestie from a Parliament: For no man doubted, but that his Maiestie was aduised to lay those impositions by his Councell; and for particular things on which they were layd, the aduice came from pettie fellowes (though now great ones) belonging to the Customs-House. Now my Lord, what preiudice hath his Maiestie (his Reuenue being kept vp) if the impositions that were layd by the aduice of a few, be in Parliament layd by the generall Councell of the Kindome, which takes off all grudging and complaint.

*Counc.* Yea Sir, but that which is done by the King, with the aduice of his priuate or priue Councell, is done by the Kings absolute power.

*Iust.* And by whose power is it done in Parliament, but by the Kings absolute power? Mistake it not my Lord: The three Estates doe but aduise, as the priue Councell doth, which aduice if the King imbrace, it becomes the Kings own Act in the one, and the Kings Law in the other, for without the Kings acceptation, both the publicke and priuate aduices be but as emptie Egg-shells: and what doth his Maiestie lose if some of those things, which concernes the poorer sort be made free againe, and the Reuenue kept vp vpon that which is superfluous? Is it a losse to the King, to be beloued of the Commons? If it be reuenue which the King seekes, is it not better to take it of those that laugh, then of those that cry? Yea if all be content to pay vpon moderation and change of

the Species: Is it not more honourable & more safe for the King, that the Subject pay by perswasion, then to haue them contrayned? If they be contented to whip themselves for the King, were it not better to giue them the Rod into their hands, then to commit them to the Executioner? Certainly it is farr more happy for a Soueraigne Prince, that a Subject open his purse willingly, then that the same be opened by violence. Besides, that when impositions are layd by Parliament, they are gathered by the authoritie of the Law, which (as aforesaid) reiecteth all complaints, and stoppeth euerie mutinous mouth. It shall euer be my prayer that the King embrace the Conncell of Honour and safetie, and let other Princes embrace that of force.

*Connc.* But good Sir, it is his Prerogatiue which the King stands vpon, and it is the Prerogatiue of the Kings, that the Parliamen: doe all diminish.

*Iust.* If your Lordship would pardon me, I would say then, that your Lordships obiection against Parliaments is ridiculous. In former Parliaments three things haue beene supposed dishonour of the King. The first, that the Subjects haue conditioned with the King, when the King hath needed them, to haue the great Charter confirmed: The second, that the Estates haue made Treasurers for the necessarie and profitable disbursing of those summes by them giuen, to the end, that the Kings, to whom they were giuen, should expend them for their own defence, and for the defence of the Common-wealth: The third, that these haue prest the King to discharge some great Officers of the Crowne, and to elect others. As touching the first my Lord, I would faine learne what disaduantage the Kings of this Land haue had by confirming the great Charter, the breach of which haue serued onely men of your Lordships ranke, to assist their owne passions; and to punish and imprison at their owne discretion the Kings poore Subjects. Concerning their priuate hatred, with the colour of the Kings seruice, for the Kings Maiestie take no mans inheritance (as I haue said before) nor any

any mans life, but by the Law of the Land, according to the Charter. Neither doth his Majesty imprison any man (matter of practice, which concernes the preservation of his estate excepted) but by the law of the land. And yet he useth his prerogative as all the Kings of *England* have euer used it: for the supreme reason cause to practise many things without the aduice of the law. As in insurrections and rebellions, it useth the marshall, and not the common law, without any breach of the Charter, the intent of the Charter considered truly. Neither hath any Subject made complaint, or beene grieued, in that the Kings of this land, for their own safeties, & preservation of their estates, have used their Prerogatives, the great Ensigne, on which there is written *soli Deo*. And my good Lord, was not *Buckingham* in *England*, and *Byron* in *France* condemned, their Peeres vncall'd? And withall, was not *Byron* vtterly (contrary to the customes and priuiledges of the *French*) denied an aduocate to assist his defence? for where lawes forecast cannot prouide remedies for future dangers, Princes are forced to assist themselves by their *Prerogatives*. But that which hath beene euer grievous, and the cause of many troubles, very dangerous is, that your Lordships abusing the reasons of state, doe punish and imprison the Kings Subjects at your pleasure. It is you my Lords, that when Subjects have sometimes neede of the Kings prerogative, doe then vse the strength of the law, and when they require the law, you afflict them with the prerogative, and tread the great Charter (which hath been confirmed by 16. Acts of Parliament) vnder your feet, as a torne parchment or waste paper.

*Counc.* Good Sir, which of vs doe in this sort breake the great Charter? perchance you meane, that we haue aduised the King to lay the new impositions.

*Iust.* No my Lord: there is nothing in the great Charter against impositions: and besides that, necessity doth perswade them. And if necessity doe in somewhat excuse a private man *a fortiori*, it may then excuse a Prince. Again,

the Kings Maiestie hath profit and increase of reuenue by the impositions. But there are of your Lordships (contrarie to the direct Letter of the Charter) that imprison the Kings Subiects, and deny them the benefit of the Law, to the Kings disprofit. And what doe you otherwise thereby (if the impositions be in any sort grieuous) but *Renouare dolores*? And withall digg out of the dust the long-buried memorie of the Subiects former intentions with their Kings.

*Counc.* What meane you by that?

*Iust.* I will tell your Lordship when I dare, in the meane time it is enough for me, to put your Lordship in mind, that all the Estates in the World, in the offence of the people, haue either had profit or necessitie to perswade them to aduventure it, of which, if neither be vrgent, and yet the Subiect exceedingly grieued, your Lordship may coniecture, that the House will be humble suitors for a redresse. And if it be a Maxime in policie to please the people in all things indifferent, and neuer suffer them to be beaten, but for the Kings benefit (for there are no blowes forgotten with the smart but those) then I say to make them Vassals to Vassals, is but to batter downe those mastering buildings, erected by King *Henry* the Seuenth, and fortified by his Sonne, by which the People and Gentry of *England* were brought to depend vpon the King alone. Yea my good Lord, our late deare Soueraigne kept them vp, and to their aduantage, as well repaired as euer Prince did. Defend me, and spend me, saith the Irish Churle.

*Queene  
Elizabeth.*

*Counc.* Then you thinke that this violeut breach of the Charter will be the cause of seeking the conformation of it in the next Parliament, which otherwise could neuer haue been moued.

*Iust.* I know not my good Lord, perchance not, for if the House presse the King to graunt vnto them all that is theirs by the Law, they cannot (in Iustice) refuse the King all that is his by the Law. And where will be the issue of such a contention? I dare not diuine, but sure I am that it will  
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tend to the preiudice both of the King and Subiect.

*Counc.* If they dispute not their own liberties, why should they then dispute the Kings liberties, which we call his Prerogatiue.

*Inst.* Among so many and so diuers Spirits, no man can foretell what may be propounded, but howsoever, if the matter be not slightly handled on the Kings behalfe, these disputes will soone dissolue, for the King hath so little need of his Prerogatiue, and so great aduantage by the Lawes, as the feare of imparing the one, to wit, the Prerogatiue, is so impossible, and the burthen of the other, to wit, the Law so weightie, as but by a branch of the Kings Prerogatiue, namely, of his remission and pardon, the Subiect is no way able to vndergoe it. This my Lord is no matter of flourish that I haue said, but it is the truth, and vnanswerable.

*Counc.* But to execute the Lawes verie seuerely, would be verie grieuous.

*Inst.* Why my Lord, are the Lawes grieuous which our selues haue required of our Kings? And are the Prerogatiues also which our Kings haue reserued to themselves also grieuous? How can such a people then be well pleased? And if your Lordship confesse that the Lawes giue too much, why does your Lordship vrge the Prerogatiue that giues more? Nay I will be bold to say it, that except the Lawes were better obserued, the Prerogatiue of a religious Prince hath manifold lesse perils then the Letter of the Law hath. Now my Lord, for the second and thurd, to wit, for the appointing of Treasurers, and remouing of Councillors, our Kings haue euermore laught them to scorne that haue prest either of these, and after the Parliament dissolved, tooke the money of the Treasurers of the Parliament, and recalled and restored the Officers discharged, or else they haue beene contented, that some such persons should be removed at the request of the whole Kingdome, which they themselves out of their Noble natures, would not seeme willing to remoue.

*Counc.* Well Sir, Would you notwithstanding all these arguments aduise his Maiesie to call a Parliament?

*Iust.* It belongs to your Lordships who enioy the Kings fauour, and are chosen for your able wisdom to aduise the K. It were a strange boldnesse in a poore and priuate person, to aduise Kings, attended with so vnderstanding a Councell. But belike your Lordships haue conceived some other way, how money may be gotten otherwise. If any trouble should happen, your Lordship knowes, that then there were nothing so dangerous for a King, as to be without money: A Parliament cannot assemble in haste, but present dangers require hasty remedies. It will be no time then to discontent the subiects by vsing any vnordinary wayes.

*Comm.* Well Sir, all this notwithstanding wee dare not aduise the King to call a Parliament, for if it should succede ill, we that aduise, should fall into the Kings disgrace. And if the King be driuen into any extremity, wee can say to the K. that because we found it extreemely vnpleasing to his Maiestie to heare of a Parliament, we thought it no good manners to make such a motion.

*Iust.* My Lord, to the first let me tell you, that there was neuer any iust Prince that hath taken any advantage of the successe of Councils, which haue beene founded on reason. To feare that, were to feare the losse of the bell, more then the losse of the steeple, and were also the way to beate all men from the studies of the Kings seruice. But for the second, where you say you can excuse your selues vpon the Kings owne protesting against a Parliament, the King vpon better consideration may encounter that finenesse of yours.

*Comm.* How I pray you?

*Iust.* Euen by declaring himselfe to be indifferent, by calling your Lordships together, and by deliuering vnto you that he heares how his louing subiects in generall are willing to supply him, if it please him to call a Parliament, for that was the common answer to all the Sheriffes in England, when the late beneuolence was commanded. In which respect, and because you come short in all your proiects, and because it is a thing most dangerous for a King to bee without treasure, he requires such of you, as either mislike, or rather

ther feare a parliament, to set down your reasons in writing, which you either misliked, or feared it. And such as wish and desire it, to set downe answers to your obiections: And so shall the King preuent the calling or not calling on his Maicesty, as some of your grcat Councillers haue done in many other things shrinking vp their shoulders, and saying, the K. will haue it so.

*Counc.* Well Sir, it growes late, and I will bid you farewell, onely you shall take well with you this aduice of mine, that in all that you haue said against our grcatest, those men in the end shall be your Iudges in their owne cause, you that trouble your selfe with reformation, are like to be well rewarded: for hereof you may assure your selfe; that we will neuer allow of any inuention how profitable soeuer, vnlesse it proceede, or see me to proceede from our selues.

*Iust.* If then my Lord, we may presume to say that Princes may be vnhappy in anything, certainly they are vnhappy in nothing more then in suffering themselves to be so inclosed. Again, if we may beleue *Pliny*, who tels vs, that 'tis an ill signe of prosperity in any kingdome or state, where such as deserue well, find no other recompence then the contentment of their owne consciences, a farre worse signe is it where the iustly accused shall take reuenge of the iust accuser. But my good Lord, there is this hope remaining, that seeing he hath been abused by them he trusted most, he will not for the future dishonour of his iudgement (so well informed by his owne experience) as to expose such of his vassals (as haue had no other motiues to serue him, then simply the loue of his person and his estate) to their reuenge, who haue onely beene moued by the loue of their owne fortunes, and their glory.

*Counc.* But good Sir, the King hath not beene deceiued by all.

*Iust.* No my Lord, neither haue all beene trusted, neither doth the world accuse all, but beleue, that there be among your Lordships very iust and worthy men, as well of the Nobility as others, but those though most honoured in the

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Common-wealth, yet haue they not bene most imployed : Your Lordship knows it well enough, that three or foure of your Lordships haue thought your hands strong enough to beare vp alone the weightiest affaires in the Common-wealth, and strong enough, all the Land haue found them to beate downe whom they pleased.

*Counc.* I vnderstand you, but how shall it appeare that they haue onely sought themselves.

*Iust.* There needs no perspective glasse to discerne it, for neither in the treaties of Peace and Warre, in matters of Reuenue, and matters of Trade, any thing hath hapned either of loue or of iudgement. No my Lord, there is not any one action of theirs eminent, great or small, the greatnesse of themselves onely excepted.

*Counc.* It is all one, your Papers can neither answer nor reply, we can. Besides you tell the King no newes in deliuering these Complaints, for he knowes as much as can be told him.

*Iust.* For the first my Lord, whereas he hath once the reasons of things deliuered him, your Lordships shall need to be well aduised, in their answers there is no sophistry will serue the turne, where the Iudge, and the vnderstanding are both supreme. For the second, to say that his Maiestie knowes, and cares not, that my Lord were but to despaire all his faithfull Subjects. But by your fauour my Lord, wee see it is contrarie, we find now that there is no such singular power as there hath bene, Iustice is described with a Balance in her Hand, holding it euen, and it hangs as euen now as euer it did in any Kings dayes, for singular authoritie begettes but generall oppression.

*Counc.* Howsoeuer it be, that's nothing to you, that haue no interest in the Kings fauor, nor perchance in his opinion, and concerning such a one, the mistaking, or but misconceiuing of any one hard word, phrase, or sentence, will giue argument to the King either to condemne or reiect the whole discourse. And howsoeuer his Maiestie may neglect your informations, you may be sure that others (at whom you point  
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will not neglect their reuenges, you will therefore confesse it (when it is too late) that you are exceeding sorry that you haue not followed my aduice. Remember Cardinall *Woolsey*, who lost all men for the Kings seruice, & when their malice (whom he grieued) had out-liued the Kings affection, you know what became of him as well as I.

*Iust.* Yea my Lord, I know it well, that malice hath a longer life, than either loue or thankfulness hath, for as we alwaies take more care to put off paine, than to enjoy pleasure, because the one hath no intermission, & with the other we are often satisfied, so it is in the smart of injury and the memory of good turnes: *Wrongs are written in marble: Benefits are (sometimes) acknowledged, rarely required.* But my Lord, we shall doe the King great wrong, to judge him by common rules, or ordinary examples, for seeing his Majesty hath greatly enriched and aduanced those that haue but pretended his seruice, no man needs to doubt of his goodness towards those that shal performe any thing worthy reward. Nay, the not taking knowledge of those of his owne vassals that haue done him wrong, is more to be lamented, than the relinquishing of those that doe him right, is to be suspected. I am therefore, my good Lord, held to my resolution by these 2, besides the former. The 1, that God would neuer haue blest him with so many yeeres, & in so many actions, yea in all his actions, had he paid his honest seruants with euill for good. The 2<sup>d</sup>, where your Lordship tels me, that I will be sorry for not following your aduice, I pray your Lordship to beleue, that I am no way subiect to the common forrowning of worldly men, this *Maxime* of *Plato* being true, *Dolores omnes ex amore animi or a corpore nascuntur.* But for my body, my mind values it at nothing.

*Comm.* What is it then you hope for or seeke?

*Iust.* Neither riches, nor honour, or thanks, but I onely seeke to satisfie his Majesty (which I would haue bin glad to haue done in matters of more importance) that I haue liued and will die an honest man.



The Authours Epitaph, made  
by himselfe.

**E**ven such is Time, which takes in trust  
Our Youth, and Ioy's, and all we have,  
And payes vs but with age and dust,  
Which in the darke and silent grane,  
When we have wandred all our wayes,  
Shuts vp the story of our dayes:  
And from which Earth, and Grane, and Dust,  
The Lord shall raise me vp I trust.



